

SECTION 1 DEFINITIONS

1.1 DEFINITIONS

For the purpose of this Chapter of the Code certain terms or words used herein shall be interpreted or defined as follows: Words used in the present tense include the future tense. The term "shall" is always mandatory.

A

ADJACENT - Next to, abutting, or touching and having a common boundary, or portion thereof.

ADMINISTRATOR - The official appointed and/or delegated the responsibility for the administration of these regulations.

ALLEY-A public thoroughfare primarily designed to serve as secondary access to the side or rear of those properties where principal frontage is on some other street.

APPLICANT - The owner(s) of land proposed to be subdivided or designated representatives thereof.

B

BLOCK - A unit of property bounded by streets, or by street or railroad rights-of-way, waterways, or other barriers.

BLOCK FRONTAGE - *See "FRONTAGE"*

BUILDING SET BACK LINE (BUILDING LINE) - The line that establishes the minimum permitted distance between the Front of a Building or Structure and the Front lot line.

C

CITY - The City of Lebanon, Indiana.

COMMISSION - The Lebanon City Plan Commission.

COMPREHENSIVE PLAN - The official policy document which establishes development goals and objectives to guide growth within and around Lebanon in a coordinated manner, prepared by the Lebanon City Plan Commission and adopted in accordance with the Indiana Planning Statutes.

CONSERVATION DISTRICT - The Boone County Soil and Water Conservation District.

COVENANT - An agreement between buyer and seller of a piece of property specifying through written, recorded document what may or may not be done with the subject property.

CROSSWALK - A strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas.

CUL-DE-SAC (COURT OR DEAD END STREET) - A street having one end open to traffic and being permanently terminated by a vehicle turn-around.

CUT - An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

D

DEVELOP - To make a development; also to do any grading or filling of land, whether undeveloped or already subdivided, so as to change the drainage or the flow of water; or to do any work upon the land that is capable of future use as a subdivision or development of building sites.

DEVELOPER - (Or Subdivider) Any person engaged in developing or improving a lot or group of lots or structures thereon for use or occupancy.

DRAINAGE SWALE - A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, and used to conduct surface water from a field, diversion, or other site feature.

DRAINAGE SYSTEM - Any combination of surface and/or subsurface drainage components fulfilling the drainage requirements of this Ordinance.

E

EASEMENT - The right of a person, government agency, or public utility company to use, for a specific purpose, the public or private land owned by another.

EROSION - The removal of surface materials by the action of natural elements.

EXCAVATION - Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. Shall also include the conditions resulting therefrom.

F

FILL - Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. Shall also include the conditions resulting therefrom. Also the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade, or the material used to make a fill.

FINANCIAL 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 but not limited to, performance bonds, escrow agreements, letters of credit, deposit agreements, and other similar collateral or surety arrangements approved as valid and enforceable by the Commission.

FLOODPLAIN - The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.

FLOODWAY - The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

FLOODWAY FRINGE - Those portions of the floodplain lying outside the floodway.

FRONTAGE - All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

FRONTAGE ROAD - A road which parallels a major arterial or collector street, providing access from abutting property and separated from the thoroughfare by a common dividing strip.

G

GRADING - Any stripping, cutting, filling, stockpiling or any combination thereof; also the land in its cut or filled condition.

L

LEASE - To rent, to permit the possession of, or to grant the right of possession or use of a lot, parcel, tract, land or group of lots, parcels, tracts, or lands for compensation.

LEGAL DRAIN - Any drainage system consisting of an open drain, a tiled drain, or any combination of the two, and is under the jurisdiction of the County drainage board as provided by I.C. 36-9-27.

LOCATION MAP - A map showing the location of the property proposed to be subdivided. Such map shall show the closest cross streets in all directions.

LOT - A parcel of land of at least sufficient size to meet the minimum requirements of the Zoning Code of Lebanon, and that has frontage and access on an improved public street, or on an approved private street.

A lot may be a single parcel separately described in a deed which is recorded in the Office of the County Recorder; or a lot may be a single parcel separately described in a survey which is recorded in the Office of the County Recorder; or a lot may include a parcel contained in a plat or subdivision of land which is recorded in the Office of the County Recorder; or a lot may include parts of, or a combination of, such parcels which are adjacent to one another and used as one.

LOT, DOUBLE FRONTAGE (THROUGH LOT) - A lot, other than a corner lot, which fronts on two streets.

M

MARGINAL ACCESS STREET - See "*FRONTAGE ROAD*"

MONUMENT OR MARKER - A pipe, rod, nail, or any other object which is intended to be a permanent survey point for record purposes.

MINOR PLAT - See "*PLAT, MINOR*"

N

NO ACCESS EASEMENT - Public easement along a public right-of-way across which the access to the property is not permitted.

O

OWNER -Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided in order to commence and maintain proceedings to subdivide the same under this Resolution.

P

PARCEL - An ownership, lot, or plot; or part of an ownership, lot or plot.

PARENT TRACT - The land from which the new lot or tract of land is being taken from, as recorded in the Recorder's Office at the time of adoption of this Ordinance or any subsequent amendments thereto.

PERFORMANCE BOND OR SURETY BOND - A personal or corporate surety agreement between a subdivider and such surety in favor of a governmental body guaranteeing the completion of physical improvements according to plan and specifications within the time prescribed by the subdivider's agreement.

PERSON - A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

PLAT - A map or chart as described in Section 5.2 of this Ordinance, indicating the subdivision or resubdivision of land and intended to be filed for record.

PLAT COMMITTEE - A committee established by the Plan Commission to review and make decisions on minor subdivision and administrative subdivision petitions. See Section 2.2 for further definition.

PLAT, MINOR - See "*MINOR SUBDIVISION*"

PLAT, PRIMARY - The map and supporting information, as described in Section 3.2, indicating the proposed layout of the subdivision and presented to the Commission for consideration and primary approval in accordance with these regulations.

PLAT, SECONDARY - A drawing, in final form, showing the subdivider's plan of subdivision, containing all information or detail required by law and by these regulations, and which is to be presented to the Plan Commission for approval; if approved and signed by the designated officials, such plat may be duly filed or recorded by the applicant in the Office of the Boone County Recorder.

PLAT, SKETCH - A sketch preparatory to the formal submission of a plat application to enable the subdivider to save time and expense in reaching general agreement with the Technical Assistance Committee (TAC) as to the form of the plat and the objectives of these regulations.

PRIMARY PLAT - See "*PLAT, PRIMARY*"

PRIMARY APPROVAL - An approval (or approval with conditions) granted to a subdivision by the Plan Commission, indicating that it has determined after a public hearing that the subdivision complies with the standards prescribed in this Ordinance.

R

REPLAT (OR RESUBDIVISION) - Any change in a recorded plat which does not result in the creation of additional lots. It may include all or any part of a previous subdivision or plat. A replat shall be considered an ADMINISTRATIVE SUBDIVISION, provided no new streets or utility expansions are required.

RIGHT-OF-WAY - A specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful public use,

typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded in the office of the Boone County Recorder.

RUNOFF - The surface water discharge or rate of discharge of a given watershed that does not enter the soil but runs off the surface of the land after a fall of rain or snow.

S

SECONDARY APPROVAL - An approval by the official designated by the Commission indicating that all conditions of PRIMARY APPROVAL have been met.

SECONDARY PLAT - See "*PLAT, SECONDARY*"

SEDIMENTATION - The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment".

SKETCH PLAT - See "*PLAT, SKETCH*"

SLOPE - The face of an embankment or cut section. Any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SOIL STABILIZATION - Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

STREET OR THOROUGHFARE - A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to an abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, land, drive, or other appropriate name. A street may also be identified according to function as defined in the thoroughfare plan.

A) Street, Principal Arterial - A street intended to move through-traffic to and from such major business attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the City or County and/or as a route for traffic between communities; a major intra- or inter-city thoroughfare.

- B) Street, Minor Arterial – A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic generating areas such as community commercial areas, primary and secondary educational facilities, hospitals, major recreational areas, churches and offices; and/or streets designed to carry traffic from urban collector streets to the system of principal arterials.
- C) Street, Urban Collector – A Street planned to move traffic from Local Streets to Minor Arterial Streets.
- D) Street, Local – A street designated primarily to provide access to other streets from individual properties.

STREET (OR ALLEY) IMPROVEMENT - Shall mean the construction of a street or alley to its full thickness, commencing at the subgrade according to the specifications contained in this Ordinance. The placing of a new surface over an existing paved or closed surface street or alley shall not be considered as an improvement but as maintenance.

STREET WIDTH - The shortest distance between the lines which delineate the right-of-way of a street.

SUBDIVIDER -Any person or persons, firm or corporation engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in this Ordinance.

SUBDIVISION - The division of any parcel of land, separately described in a deed on record in the Office of the County Recorder, into two or more contiguous parcels, sites, or lots fronting on public street, for the purpose of immediate or future offer, sale, lease, or development.

SUBDIVISION, ADMINISTRATIVE -- Administrative subdivisions include one (1) or more of the following:

- A) A resubdivision which involves only the removal of interior lot lines, with the outside perimeter of the property remaining unchanged, resulting in fewer parcels than were contained in the original parcel;
- B) A resubdivision which involves only the removal or relocation of easements on the property;
- C) A resubdivision which involves only the changing of notations written on the plat or correction of errors thereon;
- D) A division of land pursuant to an allocation of land by court decree;
- E) The division of land into cemetery plots;

- F) A resubdivision to correct errors in an existing legal description, provided that no additional building lots are created;
- G) A division of land involving no more than two (2) parcels for the sale or exchange of tracts between adjoining land owners, provided that no additional building sites are created;
- H) A division of a building site containing an existing dwelling which has been located on an agriculturally used site for at least ten (10) years;
- I) A division or resubdivision of land for the acquisition by the public or by a utility for street right-of-way or easement.

SUBDIVISION ADMINISTRATOR – See “ADMINISTRATOR”

SUBDIVISION IMPROVEMENT AGREEMENT – A document which establishes the contractual relationship between the developer of a subdivision and the City of Lebanon for the installation of improvements in accordance with the standards and specifications set forth in Sections 5 and 6 of this Ordinance.

SUBDIVISION, MAJOR – All subdivisions not classified as minor subdivisions, including but not limited to subdivisions requiring any new street or extension of Lebanon facilities or the creation of any public improvements.

SUBDIVISION, MINOR – A subdivision of land which results in the creation of any new lot or the reconfiguration of existing lots and which does not involve the construction or extension of public or private streets or utilities. To qualify as a minor subdivision, the proposal must meet all of the conditions set forth in Section 3.3 of this Ordinance.

SUBSURFACE DRAINAGE – A system of pipes, tile, conduit or tubing installed beneath the ground surface and used to collect ground water from individual parcels, lots or building footings.

SURFACE DRAINAGE – A system by which storm water runoff is conducted to an outlet. This includes the proper grading of parking lots, streets, driveways, yards, etc. so that storm water runoff is removed without ponding and flows to a drainage swale, open ditch or a storm sewer.

SWALE - A low lying stretch of land which gathers or carries surface water runoff.

T

TECHNICAL ASSISTANCE COMMITTEE (TAC) - A committee established by the Subdivision Administrator to assist with the technical evaluation of subdivisions by reviewing sketch plats, and to make appropriate technical recommendations to the subdivider, Plan Commission, Plat Committee or City departments.

THOROUGHFARE PLAN - The part of the Comprehensive Plan, now or hereafter adopted, which includes a major street and highway plan and sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, highways, and other thoroughfares.

TOP SOIL - Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the "A Horizon".

W

WATERCOURSE - A permanent stream, intermittent stream, river, brook, creek, channel or ditch for water, whether natural or man-made.

Z

ZONING ORDINANCE - The part of the City Code, now or hereafter adopted, which includes an ordinance and zone map which divides the City of Lebanon into Districts, with regulations and requirements and procedures for the establishment of land use controls.

SECTION 2 GENERAL PROVISIONS

2.1 PLAT APPROVAL AUTHORITY

The Commission shall have exclusive control over the approval of plats and replats of land within the corporate limits of the City of Lebanon. The Commission may delegate approval of minor plats and administrative subdivisions to the Plat Committee.

2.2 PLAT COMMITTEE ESTABLISHED

The Plan Commission may establish a Plat Committee to review and decide petitions for minor plats and administrative subdivisions.

- A) MEMBERSHIP. Committee membership shall be divided into two classes.
 - 1) OFFICIAL MEMBERS. Official members shall consist of three or five members. One of the members shall be a staff member representing the City of Lebanon, and the remaining members shall be members of the Plan Commission who are not otherwise employed by the City, its subdivisions or instrumentalities.
 - 2) EX-OFFICIO MEMBERS. Ex-officio members shall be the Technical Assistance Committee (TAC).
- B) APPOINTMENT. Each member shall be appointed by the Commission for one year.
- C) REMOVAL. The commission may remove a member from the committee upon mailing written reasons for removal to the member.
- D) DECISIONS. The committee may take action only upon a majority vote. In the event of any uncertainty as to compliance or classification of any subdivision, the Plat Committee shall forward such subdivision to the Plan Commission for consideration.
- E) VOTING. Only official members of the Plat Committee shall be entitled to vote on matters requiring official action by the Plat Committee.
- F) MEETINGS. The Plat Committee shall meet at least as often as once each calendar month but not more than once per calendar week.

2.3 TECHNICAL ASSISTANCE COMMITTEE (TAC) ESTABLISHED

A Technical Assistance Committee is hereby established to assist the Plan Commission in the technical review of subdivisions, and to perform such duties as are outlined for the Committee by the Zoning Code of Lebanon.

- A) **MEMBERSHIP.** Committee membership shall be at the request of the Subdivision Administrator. The Subdivision Administrator may request the assistance of members of public and semi-public local and state departments, agencies, and organizations, including but not limited to: the Lebanon Planning Department, Lebanon Utilities, the Lebanon Fire Department, the Lebanon Parks Department, the Lebanon Street Department, the Lebanon School Board, the Lebanon Mayor's Office, the Boone County Surveyor, the Boone County Storm Water Board, the Boone County Soil and Water Conservation District, the Indiana Department of Transportation, the Indiana Department of Natural Resources, and the Lebanon Plan Commission.
- B) **DUTIES.** The duties of the Technical Assistance Committee shall be to assist the subdivider in preparing and presenting a subdivision to the Plan Commission or its appointed Plat Committee; to give technical expertise to the Plan Commission regarding subdivision proposals; and to perform such duties assigned to it by the Zoning Code. When required by this Ordinance, the Technical Assistance Committee shall meet with the subdivider to review a subdivision proposal prior to its submission to the Plan Commission.
- C) **MEETINGS.** A subdivider seeking a meeting with the Technical Assistance Committee shall contact the Planning Office to schedule a meeting date and time.
- D) **FINDINGS.** The findings of the Technical Assistance Committee shall be advisory only, and neither the subdivider nor the City shall be bound by any decision reached during a Technical Assistance Committee meeting. Findings of the Technical Assistance Committee shall be in writing and shall be submitted to the Plan Commission prior to the Commission's review of a subdivision.

2.4 DESIGN PRINCIPLES AND STANDARDS

- A) **GENERAL.** The standards contained in this Section shall apply to all subdivisions. All subdivisions shall be designed with consideration given to the topography of the land and other natural characteristics of the site and surrounding property.
- B) **LAND SUITABILITY.** If the commission finds that the property requested to be subdivided is unsuitable for development because of flooding, topography, inadequate water supply, inadequate sewage disposal, or other conditions which may endanger health, life, or property, the Commission shall not approve the land for subdivision.

- C) As a minimum, the Commission is empowered to approve the subdivision of land only after it finds that the land meets the following criteria.
- 1) **STEEP SLOPES.** Each lot shall contain a contiguous land area with slopes of less than ten percent (10%) so as to provide a building site of at least seventy-five percent (75%) of the minimum lot size established by the Zoning Ordinance. The remainder of the lot may contain slopes of ten percent (10%) or greater. The Soil Survey of Boone County shall be used to determine steep slopes.
 - 2) **WATER BODIES.** Each lot shall contain a contiguous land area providing a suitable building site which is at least seventy-five percent (75%) of the minimum lot size established by the Zoning Ordinance. The remaining twenty-five percent (25%) of the required minimum lot size may contain permanent or seasonal water bodies.
 - 3) **SEWAGE DISPOSAL.** Each lot will be served by an existing public sewer system.
 - 4) **WATER SERVICE.** Each lot will have an adequate supply of potable water through a public system approved by the Indiana Department of Health.
 - 5) **FLOOD HAZARDS.** Each lot will contain enough land which is not located in a floodway as defined by the zoning ordinance to accommodate the permitted use(s) of the property. In general, lots consisting entirely of land located in a flood hazard area shall not be approved for subdivision, unless there is no property included in the parent tract which is located outside the flood hazard area which can reasonably be subdivided to provide a building site.

The Plan Commission shall review all proposed subdivisions to determine whether the subdivision lies in a flood-prone area, as defined in Section 1.1. If the Plan Commission finds the subdivision to be so located, the Plan Commission shall forward pertinent plans and materials to the Indiana Department of Natural Resources (IDNR) for review and comment. The Plan Commission may require appropriate changes and modifications in order to assure the following: it is consistent with the need to minimize flood damages; all public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and adequate drainage is provided so as to reduce exposure to flood hazards.

IMPROVEMENT CREDIT PROCEDURE FOR IMPROVEMENTS

2.5 INVOLVING BENEFITS TO OTHERS

Improvements set forth in Sections 5 and 6 of this Ordinance which are required to be installed by the subdivider and are of a public utility nature, may provide benefits to other properties in the vicinity of the land to be subdivided. Upon the installation of such improvements which cross or adjoin other properties and can be used by such properties, the subdivider and the City may by contract agree that upon the connection or use of the installation made by the subdivider by another within a period of ten (10) years following their installation, the new user(s) shall pay a fee to the City in an amount agreed upon by the subdivider and the City, the amount of such fee to be credited to and paid to the subdivider.

2.6 SECONDARY PLAT TO CONFORM TO PRIMARY PLAT

The secondary plat must conform to the previously approved primary plat. If the Plan Commission determines that the secondary plat differs from the primary plat, then the applicant must submit a new primary plat for approval. The Plan Commission may require a new primary plat if it observes the following differences, including, but not limited to:

- A) The secondary plat has a different street pattern than the primary plat.
- B) The secondary plat has an increased number of lots than the primary plat.
- C) The secondary plat has a different drainage scheme than the primary plat.
- D) The secondary plat has reduced lot sizes from the primary plat.
- E) The secondary plat has reduced the amount of common open space from the primary plat.
- F) The secondary plat has a different pattern of or reduced sizes of easements than the primary plat.

2.7 REVISION OF PLAT AFTER SECONDARY APPROVAL

No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after secondary approval has been given by the Plan Commission and the Plan Commission President has signed the Certificate of Approval, unless said plat is first resubmitted to the Commission and such change(s) are approved. If such changes meet the requirements of an administrative subdivision or minor plat, the Plat Committee may approve the changes.

2.8 RECORDING OF PLATS

No plat or replat of a subdivision of land located within the City of Lebanon shall be recorded until the secondary plat has been approved by the Lebanon City Plan Commission, and such approval has been entered in writing on the plat by the President and Secretary of the Commission.

2.9 AS BUILT PLANS

- A) After completion of all public improvements, but prior to their acceptance by the City of Lebanon Board of Works and Safety, the applicant shall provide the Subdivision Administrator with one digital copy of the drawings, in a format compatible with the City's computer system, showing the actual locations and specifications of all improvements installed in the subdivision. These As-Built plans shall be certified as correct by a land surveyor or engineer licensed in Indiana.
- B) Upon completion of construction, the applicant may file a written request to the City of Lebanon Board of Works and Safety for acceptance of all public improvements. Absolutely no public improvements shall be accepted by the City of Lebanon without prior submission of As-Built Plans, as required in Section 2.9 (A).
- C) Failure to provide correct As-Built Plans to the City shall result in penalties and fines as described in Section 2.11 below.

2.10 WAIVERS

- A) GRANTING OF WAIVERS. The commission may grant such waivers to the requirements and standards of this Ordinance as will not be contrary to the public interest, where owing to extraordinary conditions, fully demonstrated by the applicant on the basis of facts presented, strict compliance with the provisions of this Ordinance would result in unnecessary hardship or misuse of property.
- B) CRITERIA FOR WAIVERS. In the exercise of its authority under this section, the Plan Commission shall grant waivers only upon finding all of the following:
 - 1) The waiver will not be detrimental to the public health, safety, or general welfare.
 - 2) The waiver will not adversely affect adjacent property.
 - 3) The waiver is justified because of exceptional topographic or other physical conditions unique to the property involved and is not to correct mere inconvenience or financial disadvantage.

- 4) The waiver is consistent with the intent of this and other applicable ordinances and the Comprehensive Plan.
 - 5) The condition necessitating the waiver was not created by the owner or applicant.
 - 6) The waiver will not conflict with the powers and duties of the Board of Zoning Appeals as defined by the Zoning Code.
- C) A request for a waiver shall be submitted in writing as part of the application for approval of a subdivision. Such request shall make specific reference to the section of the Ordinance from which such waiver is requested and shall state the reasons for the request, addressing the criteria in this Section.
- D) **DECISION BY THE PLAN COMMISSION.** In approving or denying a waiver request, the Plan Commission shall make specific findings on each of the criteria in this Section. If the Commission approves a waiver request, it may impose such conditions as it deems necessary and proper to carry out the intent and purposes of this Ordinance. Any waiver thus authorized is required to be entered in writing in the minutes of the Commission.

2.11 VIOLATIONS AND PENALTIES

- A) Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build, reconstruct or structurally alter any building in violation of any detailed statement or plan submitted and approved thereunder shall, for each and every violation or non-compliance, be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars (\$10.00), and not more than three hundred dollars (\$300.00). Each day that such violation or non-compliance shall be permitted to exist shall constitute a separate offense.
- B) Also, any person who shall initiate construction prior to obtaining a Building Permit (or a Certificate of Occupancy) or any other permit required, shall pay twice the amount of the filing fee set forth herein.
- C) Further, failure to provide correct As-Built Plans to the City of Lebanon within two months of the completion of public improvements shall be considered a violation of this ordinance. Applicants who fail to provide these plans within the specified time period shall be guilty of an infraction, and upon conviction, shall be fined in the sum of not less than \$10.00 nor more than \$300.00 per day for each violation. Each day of violation shall constitute a separate offense.

- D) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, realtor, subdivider, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

2.12 AGREEMENT AND BOND FORMS AND CERTIFICATES OF APPROVAL

All agreements, bonds, and certificates of approval required by this Ordinance shall be submitted on the forms found in the Appendix of this Document.

SECTION 3 PROCEDURAL REQUIREMENTS

3.1 APPLICATIONS

- A) A Subdivider desiring approval of a plat of a subdivision of any land lying within the City of Lebanon, shall submit a written application for approval of the Overall Primary Plat therefore to the Subdivision Administrator. Subsequent to the approval of the Overall Primary Plat, a Subdivider desiring approval of a Secondary Plat of a Subdivision shall submit a written application therefore to the Subdivision Administrator. Such applications shall be prepared on the forms provided by the Subdivision Administrator and accompanied by the information, requirements and plans set forth in accordance with the requirements of this Ordinance.
- B) The applications shall be accompanied by a check or money order made payable to the City of Lebanon in an amount determined by the schedule of fees, available in the office of the City Clerk - Treasurer.
- C) No part of any filing fees shall be returnable to the applicant.
- D) For applications requiring review by the Technical Assistance Committee, the required application forms and fees shall be submitted prior to scheduling a meeting with the Committee.

3.2 MAJOR SUBDIVISIONS

Major subdivisions require primary and secondary approval by the Commission. Before filing a major subdivision, applicants are required to present conceptual plans for the subdivision, in the form of a sketch plat, to the Technical Assistance Committee (TAC) for informal discussion.

- A) SKETCH PLAT
 - 1) Prior to submitting an application for a Primary Plat, the subdivider shall schedule a meeting with the Technical Assistance Committee (TAC) for the review of a sketch plat of the proposed subdivision. The purpose of this review is to acquaint the subdivider with applicable plans and ordinances and to inform the applicant of the availability of City services, as well as to make the subdivider aware of procedural and application requirements such as the requirements for the following: the general layout of streets, reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters.

- 2) The sketch plat review is intended only for the above purposes; neither the developer nor the City is bound by any decision made during a sketch plat review.
- 3) All materials required by this Section shall be submitted the Planning Department at least five (5) working days prior to the meeting between the Technical Assistance Committee and the Subdivider.
- 4) The sketch plat of the proposed subdivision should be drawn to scale and should include the following:
 - a) A legal description of the property.
 - b) A location map, showing the parent tract and including any lots previously subdivided from it.
 - c) The location of all existing property lines, existing easements, and existing watercourses; location, width and names of existing platted streets within or adjacent to the tract; and names of adjoining property owners within five hundred (500) feet of the boundary of the proposed subdivision.
 - d) Locations of existing utilities within the tract and immediately adjacent thereto.
 - e) Existing natural features and topographic or geologic constraints.
 - f) Approximate location and widths of proposed streets.
 - g) Preliminary proposals for connection with existing water and sewer systems; preliminary provisions for collecting and discharging surface water drainage.
 - h) Approximate location and area of all parcels of land to be set aside for park or playground use or other public use or for the use of the property owners in the proposed subdivision.
- 5) The Technical Assistance Committee may request that any of the following information or services be obtained by the subdivider prior to the submittal of a primary plat: a National Cooperative Soil Survey Map with interpretation and limitations for the intended usage; conservation planning assistance from the Boone County Soil and Water Conservation District; information concerning legal drains on the tract and on adjoining properties from the Boone County Surveyor; the location of flood plains on the tract or on adjoining properties from the Indiana Department of Natural Resources, Division of Water; and/or information from the County Highway Department or City Street Department concerning road construction, roadside ditch specifications, culverts, etc.; and/or the

location of any private drain tile(s) on the tract and on adjoining properties.

- 6) The Plan Commission may consider the failure to present a sketch plat to the Technical Assistance Committee prior to the submission of a Preliminary Plat as an improper form or an incomplete application and may not receive or consider the application until the Technical Assistance Committee review has occurred in accordance with the requirements set forth herein.

B) OVERALL PRIMARY PLAT OF THE SUBDIVISION: PLANS, SPECIFICATIONS, AND INFORMATION

- 1) The subdivider shall provide an Overall Primary Plat of the Subdivision, the design of which shall be in conformity with the Comprehensive Plan, including the thoroughfare plan; the Zoning Ordinance; these subdivision regulations; and other City Ordinances not in conflict with these regulations.
- 2) The Overall Primary Plat Sheets of the subdivision shall be drawn according to the specifications set forth in Section 5.2 of this Ordinance.
- 3) The Primary Plat shall have the following sheets and information.
 - a) Title Sheet:
 - (1) Proposed name of the subdivision, followed by the words: "Overall Primary Plat".
 - (2) A site location map showing the location of highways, county roads, rural routes, utilities, legal drains, flood plains, private drain tile, open drains, watershed boundaries, and any other physical features that may have a bearing on proposed development (i.e.: swamp, steep escarpments, woods, etc.)
 - (3) Names and addresses of the owner of the land, the subdivider, planner, architect, engineer, land surveyor or other persons who prepared the plan.
 - (4) Land use adjacent to proposed subdivision and owners names.

- b) Topographic Sheet:
 - (1) Contours at vertical intervals of two (2) feet or less if the slope of the site is less than ten percent (10%) and at vertical intervals of five (5) feet if the general slope of the site is ten percent (10%) or greater.
 - (2) Tract boundary lines showing dimensions, bearings, angles, and references to section, township and range lines.
 - (3) Plot and profile of existing drainage, drainage channels, underground facilities, wooded areas, power transmission poles and lines, and any other significant items shall be shown.
 - (4) The location and size of all existing utilities.
 - (5) All subdivision plats containing lands identified on the official Flood Emergency Management Agency (FEMA) Maps (as amended), or determined by the Indiana Department of Natural Resources to be flood-prone areas shall have the elevation of the one hundred year flood listed thereon.

- c) Plan Layout Sheet:
 - (1) Streets and rights-of-way on and adjoining the site of the proposed subdivision, with street names, sidewalks and other pertinent data.
 - (2) The layout of lots, showing dimensions and numbers and square foot area of each lot. Block number, distances, radii and chords shall also be shown.
 - (3) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.
 - (4) Building setback or front yard lines.
 - (5) Easements: Locations, widths and purposes.
 - (6) A drawing showing the locations of the proposed sanitary sewers with connections to the main sewer system, lift stations, if any, and other appurtenances, if any.
 - (7) A drawing showing the location of a public or quasi-public source of water supply.
 - (8) A drawing showing the proposed method of drainage:

- (a) If storm sewers or similar type of system is used, show connection to main system, or method of disposition into stream, retention reservoir, etc.; distance to stream outlet; lift stations, if any; man holes, if any; inlets; junction boxes; and other necessary appurtenances.
 - (b) If surface drainage is planned, show the following where applicable: location and type of roadside swales, grassed waterways, water courses, and open ditches; roll curb and gutter sections; location and approximate size of road culverts; location and typical cross-section of grades, swales, waterways, roadside ditches, and/or open ditches; approximate depth and grades of above mentioned surface drainage; and necessary profiles, cross-sections, and other information to the adequacy of the outlet drain or detention reservoir.
 - (c) The "Plan Layout Sheet" may be incorporated with the "Topographic Sheet" provided such incorporation does not result in a drawing which is not legible.
- d) Supplementary Information
- (1) Phasing plan for any subdivision that is to occur in stages, along with a proposed schedule for the phasing.
 - (2) Written statement of the proposed use of lots, stating type of residential buildings with number of proposed dwelling units or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards or congestion of population.
 - (3) Proposed covenants and restrictions.
 - (4) Written statement concerning the location and approximate size or capacity of utilities to be installed.
 - (5) A National Cooperative Soil Survey Map from the Subdivision Administrator or the local Soil and Water Conservation District showing the soil limitations based upon the intended usage of the subdivision.
 - (6) Included in the application shall be a conservation plan detailing the management of the soil, the water management plan for both surface and subsurface drainage, and the method or methods used in controlling erosion and sedimentation before, during, and following construction, i.e.: temporary seeding, siltation basins, mechanical erosion devices, and other similar means that meet the Boone

County Soil and Water Conservation guidelines for urban development. (See Section 4 for more information.)

- (7) A written statement or letter from the County Highway Department or City Street Department concerning rights-of-way, road improvements, roadside improvements, roadside drainage, entrances, culvert pipes, and other infrastructure improvements that impact this proposal.
- (8) If legal drain is involved, a letter or written statement from the County Drainage Board concerning easements, rights-of-way, permits, etc.
- (9) If floodway is involved, a letter or written statement from the Indiana Department of Natural Resources, Division of Water concerning construction in floodway, including flood plain high water marks, etc.
- (10) A drawing or written statement which shows or explains other features or conditions which would impact the subdivision.
- (11) If any zoning changes are contemplated by the subdivider, the proposed zoning should be outlined and described.

C) PRIMARY PLAT APPROVAL

- 1) Fifteen (15) days before the Commission's next regularly scheduled meeting, the Subdivider shall submit to the Subdivision Administrator an application for approval of the "Overall Primary Plat" of the Subdivision, together with six (6) copies of all of the material outlined in Section 3.2 (B) above . One of these six (6) copies shall be submitted to Boone County Soil and Water Conservation District and another to the County Surveyor.
- 2) Following the submittal of an application, the applicant shall schedule a meeting with the Technical Review Committee to review a sketch plat of the subdivision. At this meeting, procedural requirements will be reviewed, and the Technical Assistance Committee will suggest additional information needed prior to the Plan Commission review.
- 3) After the application has been received and certified complete by the Subdivision Administrator, and after the sketch plat has been reviewed by the Technical Assistance Committee, the subdivision shall be scheduled for public hearing. At least ten (10) days prior to the next regularly scheduled meeting, the Commission shall publish a notice of the time and place of the hearing and the location of the proposed plat, in accordance with its rules of procedure. The cost of

the publication of the notice of public hearing shall be met by the applicant.

- 4) After the public hearing, the Commission shall review the application and shall study the "Overall Primary Plat" to determine if it conforms to the minimum standards and requirements as outlined in this Ordinance, and shall approve, reject, or table the application within sixty-five (65) days after submission of the application to the Subdivision Administrator. Upon the tabling or rejecting of an application, the Commission shall notify the applicant in writing what revisions, changes, or further changes in the Overall Primary Plat are needed for approval. Upon the rejection of an application, the Commission will not review the Overall Primary Plat until it is re-submitted, which cannot be done but once every six (6) months. The approval of the "Overall Primary Plat" by the Commission does not constitute approval of any or all of the subdivision, but is merely an authorization to proceed with preparation of a secondary plat.
- 5) Five (5) copies of the Overall Primary Plat approved by the Commission and signed by the President and Secretary shall be retained in the office of the Department of Planning and Development. One (1) copy shall be sent to the subdivider and shall be considered authorization for the Subdivider to proceed with the preparation of a Secondary Plat; one (1) copy shall be sent for review by the Boone County Soil and Water Conservation District; and one (1) copy shall be sent to the Boone County Surveyor.
- 6) An approval of the Overall Primary Plat shall be effective for a period of twelve (12) months unless, upon request of the applicant, the Commission grants an extension of time. The application for a Secondary Plat shall be submitted to the Commission, and if it is not received within the period of time above specified, all previous actions by the Commission with respect to the plat shall be deemed to be null and void.

D) SECONDARY PLAT OF THE SUBDIVISION - PLANS, SPECIFICATIONS, AND REQUIRED INFORMATION

- 1) With the application for approval of the Secondary Plat, the Subdivider shall submit to the Commission the following Engineering Plans and Specifications and other required information.
- 2) The Secondary Plat may include all or any phase of the Overall Primary Plat which has received approval. However, when secondary approval is being sought for only one phase of the subdivision, the applicant shall provide a description of the portion of the approved Overall Primary Plat intended to be filed for record,

including a phasing plan for the progressive development of the entire area contained in the approved Overall Primary Plat.

- 3) The original drawing of the Secondary Plat of the subdivision shall be provided and drawn according to the specifications set forth in Section 5.2 of this Ordinance.
- 4) The Secondary Plat shall have the following information:
 - a) Name of the subdivision, followed by the words: "Secondary Plat".
 - b) Name and address of the owner and the subdivider.
 - c) North point, scale and date.
 - d) Certification by a registered land surveyor; also, certification by a registered professional engineer, when required.
 - e) Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in five thousand (5,000) feet.
 - f) Profiles, typical cross-sections and specifications for proposed street improvements.
 - g) Profiles and locations and other explanatory data concerning the installations of sanitary and storm sewerage systems and water distribution system.
 - h) A statement of the estimated amount of money sufficient to complete the improvements and installations by the subdivider and attested to by a Registered Land Surveyor or a Registered Professional Engineer.
 - i) Accurate distances and directions to the nearest established street corners of official monuments. Reference corners shall be accurately described on the Plat.
 - j) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - k) Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley and lot lines.
 - l) Lot numbers and dimensions, and lot area in square feet.

- m) Accurate locations of easements for utilities and any limitations on such easements.
- n) Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
- o) Building setback lines and dimensions.
- p) Location, type, material and size of all monuments and lot markers.
- q) Plans and specifications for the improvements required in this Ordinance.
- r) Restrictions of all types which will run with the land and become covenants in the deeds for lots.
- s) Deed of dedication of streets and other public property. (See appendix)
- t) Certificate of primary approval by the Commission, as provided according to Section 3.2 (C) above. (See Appendix)
- u) Certificate of approval by the Lebanon Board of Public Works and Safety for improvements in subdivisions (when applicable). (See Appendix)
- v) Certificate of approval by the Lebanon Utilities Service Board for improvements in Subdivision (when applicable). (See Appendix)
- w) Certificate of approval by the Subdivision Administrator that the Subdivision meets all of the requirements of "City Code", as amended. (See Appendix)

E) SECONDARY PLAT APPROVAL

- 1) The Secondary Plat will have incorporated all changes or modifications required by the Commission, General Manager of the Lebanon Utilities, Health Officer, Boone County Soil and Water Conservation District, and County Surveyor; otherwise it shall conform to the Overall Primary Plat as approved by the Commission, and it may constitute only that portion of the Primary Plat which the subdivider proposed to record and develop at the time, provided that such portion conforms with all requirements of this Code and meets the approval of the Commission.

- 2) **TIME FOR FILING.** The Secondary Plat shall be filed not later than twelve (12) months after the date of approval of the Overall Primary Plat, otherwise it will be considered void unless an extension is requested by the developer and granted by the Commission in writing.
- 3) **APPLICATION.** Fifteen (15) days before the Commission's next regularly scheduled meeting, the subdivider shall submit to the Subdivision Administrator an application for approval of the "Secondary Plat" of the subdivision, together with four (4) copies of all material outlined in Section 3.2 (D) above, as requested by the Commission. Also, the original drawing, with signatures, and eight (8) page-size (8 ½ x 11) prints of the "Secondary Plat" shall accompany this material.
- 4) **EXAMINATION, APPROVAL BY THE SUBDIVISION ADMINISTRATOR.** The Secondary Plat shall be considered officially filed after it is examined by the Subdivision Administrator and is found to be in full compliance with the formal provisions of this Code. To register his approval of said plat, the Subdivision Administrator shall sign and date an approval statement on the Plat.
- 5) **FINANCIAL GUARANTEES**
 - a) Guarantees that all required improvements will be constructed according to approved plans shall be a prerequisite to the filing of a Secondary Plat for recording in the Office of the Recorder of Boone County. Approval of a Secondary Plat shall be subject to the improvements being constructed and accepted for dedication or the appropriate financial guarantee being posted with the board of Public Works and Safety before recording. Copies of these agreements shall be on file at the City Clerk-Treasurer's office.
 - b) **REQUIRED NOTICE FROM BOARD OF PUBLIC WORKS AND SAFETY.** When the Secondary Plat is submitted to the Subdivision Administrator, it shall be accompanied by a notice from the Lebanon Board of Works and Safety, stating that there has been filed with and approved by that body, one of the following:
 - (1) A certificate signed by an inspector from the Planning Department, stating that he has inspected the improvements and installations for the subdivision required for its approval, during and after their construction and installation; and stating that they have been made or installed in accordance with the approved specification; and

that a three (3) year maintenance bond has been provided for any improvements and installations required by this Ordinance, as is executed to the City of Lebanon. The said maintenance bond shall:

- (a) Run to and be in favor of the City of Lebanon, Indiana.
- (b) Be in a penal sum of not less than \$25,000 per mile of streets in the subdivision to assure and guarantee the maintenance of all improvements and installations during such three (3) year period, including, but not limited to the following: streets to minimum City of Lebanon specifications, sanitary sewers, storm sewers and water lines, lift stations, pumps, motors, connections and main lines installed in the subdivision, sidewalks, shoulders, side slopes and ditches, street signs, street lights, and fire hydrants; provided that the Lebanon Board of Works and Safety may reduce the penal sum set forth herein for good cause if the intent of the Maintenance Bond provision is preserved, and
- (c) Include an amount for maintenance other than for streets set forth above which shall be set by the Commission, but in no event shall the penal sum of such maintenance bond covering additional installations be less than twenty-five percent (25%) of the total cost of all of the improvements and installations in the subdivision proposed for Secondary Plat approval, and
- (d) Commence upon approval of the Secondary Plat.

or,

- (2) A financial guarantee which shall:
 - (a) Run to the City of Lebanon.
 - (b) Be in an amount equal to one hundred twenty-five percent (125%) of the cost of the improvements as specified in the subdivision improvement agreement.
 - (c) Be with surety satisfactory to the Commission.
 - (d) Specify the time for the completion of the improvements and installations, which shall be within two (2) years from the date of such bond.
- (3) Specify that upon completion, but prior to acceptance by the Lebanon Board of Public Works and Safety of any streets, a

three (3) year maintenance bond or other suitable agreement acceptable to the Lebanon Board of Public Works and Safety covering such street improvements, and for all other improvements and installations in the subdivision which shall run to the Lebanon Board of Public Works and Safety, will be provided by the subdivider or contractor of such street improvements to be effective as of the date of acceptance by the Lebanon Board of Public Works and Safety. This maintenance bond or other suitable agreement or financial guarantee shall satisfy the requirements set forth for a three (3) year maintenance bond as stated in subsection 3.2 (E)(b)(1) above.

- (a) The developer may furnish in lieu of the above and the foregoing maintenance bond, bonds with his subcontractors which comply with all of the requirements of the above and foregoing section.
- (b) **RELEASE OF FINANCIAL GUARANTEES.** The financial guarantee referred to in subsection 3.2 (E)(2) above shall not be released until the following has been received: a certificate stating that said engineer or surveyor has inspected the improvements and installations guaranteed by the bond during and after their construction and that they have been made and installed in accordance with the approved specifications. Such certificate shall have been filed with the Subdivision Administrator and the Lebanon Board of Public Works and Safety; and shall have been signed by a registered professional engineer or registered land surveyor, who has been approved by the Lebanon Board of Public Works and Safety.
- c) Upon the acceptance of all streets in the subdivision by the Lebanon Board of Public Works and Safety, and upon the subsequent authorization of the Lebanon Board of Public Works and Safety for the acceptance of the other improvements and installations covered by the maintenance bond, the three (3) year maintenance bond or other suitable agreement or financial guarantee may be released and the surety discharged of further obligation for all time.
- d) **BOND FUNDS.** Any funds received from the bond required by these regulations shall be used only for the purpose of making the improvements, installations or repair for which said guarantees were provided, in accordance with the standards, specifications and requirements of these regulations.

- 6) **COMPLETION AFFIDAVIT.** Upon the acceptance of said improvements and installations by the Lebanon Board of Works and Safety, the applicant shall obtain a completion affidavit stating that the required improvements and installations have been installed in compliance with the specifications of this Code, and have been accepted for public maintenance; said completion affidavit shall be filed with the Commission. (See Appendix)
- 7) **APPROVAL BY COMMISSION.** Within a reasonable time, not to exceed ~~ing~~ sixty-five (65) days after application for approval of the Secondary Plat, the Commission shall approve or disapprove the secondary plat. If the Commission approves the plat, it shall affix the Commission's seal upon the plat, together with the certifying signatures of its President and Secretary. The plat may then be filed for recording in the Office of the Recorder of Boone County, as required by law. If the Commission disapproves the secondary plat, the Commission shall set forth the reason for such disapproval in its own records and provide the applicant with a copy. The applicant may refile after a period of one year, but he must show a substantial change to the disapproved subdivision, as determined by the Plan Commission.

3.3 MINOR SUBDIVISIONS

- A) **GENERAL.** Those subdivisions meeting the definition of "Subdivision, Minor," contained in Section 1.1 of this Ordinance may be considered under the provisions of this subsection. Replats meeting the conditions of eligibility contained herein also may be considered under the provisions of this Section. After a subdivision request has been filed, the Subdivision Administrator shall determine whether the petition may be considered as a minor subdivision. The Subdivision Administrator's decision may be appealed to the Commission. Minor subdivisions may receive primary and secondary approval by the Plan Commission or its appointed Plat Committee.
- B) **CONDITIONS OF ELIGIBILITY.** Before determining that a subdivision is eligible to be considered under this Section, the Subdivision Administrator shall find that all of the following criteria are satisfied:
 - 1) **ORDERLY DEVELOPMENT.** The subdivision will not impede orderly development of land or the provision of public services and improvements.
 - a) The subdivision will not interfere with the implementation of the Comprehensive Plan.
 - b) The subdivision will not interfere with the provision of streets to provide access to adjoining or nearby property in the event that such property is developed in the future.

- 2) UTILITIES AND DRAINAGE. All parcels in the subdivision will have adequate utilities and drainage.
 - a) All lots shall be served by a sanitary sewer. Any subdivision of land which requires the extension of existing sewers shall be considered as a major subdivision.
 - b) All lots shall be served by a public or quasi-public water system. Any subdivision of land which requires the extension of existing water shall be considered as a major subdivision.
 - c) All lots shall be provided with drainage improvements necessary to comply with the requirements of Section 6.7.
- 3) ACCESS. All parcels in the subdivision and adjacent land will have adequate ingress and egress without the construction of any new streets or substantial improvement to existing streets.
 - a) All lots will have legal access to a platted private street or to a public street which has been accepted for maintenance, or has been continuously maintained for a period of 10 years immediately preceding the filing of the subdivision, by a public agency regularly having responsibility for such maintenance. Such public street shall also have a hard surface suitable for vehicular traffic which is at least 30 feet in width, is in good repair, and has a geometry which is suitable for the traffic which it will carry after the proposed subdivision.
 - b) Frontage on limited access streets on which driveways cannot open shall not constitute legal access.
 - c) If by reason of topography, natural or man-made features, or other conditions relating to the property requested for subdivision, better access can be provided through construction of a new street, the petition shall be considered as a major subdivision.
 - d) All lots will have driveway locations which will provide for adequate sight distance and will be properly spaced according to City standards.
 - e) Land adjacent to the property involved in the subdivision shall also have adequate access according to the criteria contained in this subsection.
- 4) SUITABILITY. All lots in the subdivision will provide suitable building sites for the purpose for which the land is to be used. Land

suitability shall be determined by the criteria contained in Section 2.4 of this Ordinance.

- 5) ENDANGERMENT. The subdivision will not be detrimental to nor endanger the public, health, safety, or general welfare.
- 6) DIVISION FROM PARENT TRACT. No subdivision which results in the creation of more than three (3) lots from a parent tract, whether at the same time or over the course of time, shall be considered under minor subdivision review. Any subdivision which would result in a cumulative total of three (3) or more lots in addition to the original parent tract shall be considered a major subdivision, regardless of whether the three lots are created through one subdivision or several subdivisions over time.

C) SKETCH PLAT

Submittal of a sketch plat for a minor subdivision is optional. The sketch plat review process serves as an introduction to the subdivision process and subdivision regulations for the applicant. See Section 3.2(A) for the sketch plat procedure.

D) PRIMARY APPROVAL

- 1) Application shall be made to the Subdivision Administrator on the appropriate forms, accompanied by the required filing fee. The subdivision administrator will then determine whether or not the subdivision qualifies for minor subdivision approval or whether it must be filed as a major subdivision.
- 2) All subdivisions of land meeting the definition of "SUBDIVISION, MINOR," in Section 1.1 of this Ordinance and verified by the Subdivision Administrator may be submitted to the Plan Commission or its appointed Plat Committee for primary approval as specified in this section.
- 3) REQUIRED SUBMISSION MATERIALS. All requests for primary approval of a minor subdivision shall be submitted with the items listed in this section.
 - a) PRELIMINARY PLAT. An original drawing prepared in accordance with the specifications set forth in Section 5.2, and copies (with the number to be specified by the Department) showing the following:
 - (1) Legal description of the subdivision.
 - (2) Bar scale (the scale shall be 50 feet to the inch or larger, unless the property involved in the subdivision is of a size or

shape which requires a smaller scale to fit on the required sheet size, in which case another scale approved by the Department may be used).

- (3) Lot numbers, dimensions, and sizes in square feet or acres.
 - (4) Boundary lines of floodway and floodway fringe areas on each lot as scaled from the flood plain district maps of current adoption by the City, appropriately labeled.
 - (5) Any easements (existing or proposed, including but not limited to utility easements, drainage easements, access easements, etc.), legal drains, and easements to be vacated by the subdivision with notations regarding the vacation.
 - (6) Rights-of-way as established by the Thoroughfare Plan.
 - (7) Location Map
 - (8) For subdivisions containing land with a slope of ten percent (10%) or greater, the topography as shown on the United States Geological Survey (USGS) quad sheets. The topography may be shown on a separate print, but it shall be shown at a scale no smaller than 1" = 300'
- b) **SUPPORTING MATERIAL.** The following supporting material shall be submitted with the primary plat:
- (1) The names and addresses of all adjacent land owners, keyed to a map.
 - (2) A map showing all significant topographical and other features, including water bodies, existing buildings, alleys, streets, or other information which will aid in the location of the property for site visits.
 - (3) Evidence that a sewerage permit can be obtained from the City Utilities Department and evidence that water service is available to all building lots in the subdivision.
 - (4) Documentation sufficient to show that all applicable design standards of this Ordinance are met by the proposed subdivision (see Section 2.4).
 - (5) Erosion control plan, if necessary, to comply with the standards set forth in Section 4 of this Ordinance.
 - (6) Drainage report, if necessary, to comply with the standards set forth in Section 4 of this Ordinance.

- (7) Any covenants or other restrictions which will run with the land included in the subdivision.
- (8) If any lot in a minor subdivision is to receive its access from a State highway, evidence that a driveway permit can be issued by the Indiana Department of Transportation shall be submitted.

- 4) LENGTH OF APPROVAL. Primary approval of a minor subdivision shall be valid for 120 days, unless an extension is granted by the Plat Committee or Commission. If secondary approval is not granted before the expiration of 120 days, the primary approval shall be null and void.

E) SECONDARY APPROVAL

- 1) GENERAL. After all conditions of primary approval have been met, the applicant may request secondary approval from the Plan Commission or Plat Committee.
- 2) REQUIRED SUBMISSION MATERIALS. All requests for secondary approval shall be accompanied by the materials listed in this section.
 - a) SECONDARY PLAT. An original drawing (which may be the same drawing submitted as the primary plat) prepared in accordance with the standards set forth in Section 5.2 and two copies, showing all information required in Section 3.3 (D) above, as approved by the Plan Commission or Plat Committee.
 - b) SUPPORTING MATERIAL. Documentation sufficient to show that all conditions of primary approval by the Commission or Plat Committee have been met.
- 3) LENGTH OF APPROVAL. Secondary approval of a minor subdivision shall be valid for a period of one year from the date of such approval. If the subdivision is not recorded before the expiration of one year, it shall become null and void.

3.4 ADMINISTRATIVE SUBDIVISIONS

- A) GENERAL -- Administrative subdivisions are subject only to the agreement of the Plat Committee that such subdivision is within one of the categories included in the definition of "SUBDIVISION, ADMINISTRATIVE," in Section 1.1 of this Article. Replats which meet the conditions of administrative subdivisions also may be considered under the terms of this Article.

- B) **FILING FEES** -- A request for review of a subdivision shall be accompanied by the filing fee established by the Plan Commission.
- C) **SUBMISSION MATERIALS** -- The following materials shall be submitted by an applicant for approval of an administrative subdivision:
 - 1) Application signed by the owner(s) of record of all property involved in the subdivision.
 - 2) A drawing drawn to a scale of fifty (50) feet to one (1) inch, or one hundred (100) feet to one (1) inch and on sheets not to exceed twenty-four (24) inches by thirty-six (36) inches; however, if the resulting drawing would be over thirty-six (36) inches in the shortest dimension, then a scale as recommended by the Subdivision Administrator may be used. Such drawing shall show the property involved in this subdivision, indicating the area of each lot or parcel in acres (for parcels larger than 20,000 sq.ft.) or square feet and indicating the configuration of the property and any easements thereon before and after the proposed administrative subdivision.
 - 3) Required approval certificates (see Appendix).
 - 4) For removal of interior lot lines, a legal description of the property and the new lot number(s).
 - 5) For removal of platted easements, signed and notarized letters of approval of the proposed action by all utilities having an interest in such easements, and in the case of drainage easements, any neighboring property owners affected by such easements. A notation shall be placed on the plat indicating that the easement has been vacated.
 - 6) For changes in the notations on a previously approved plat, an explanation of the reason(s) for the changes. If the Plat Committee finds that such changes have a significant effect on the subdivision as previously approved, the Plat Committee shall require such changes to be decided by the Plan Commission.
 - 7) For division of land into cemetery plots, a plat of the cemetery showing the layout of the cemetery, including private drives, parking areas, and the sizes of burial lots. Such plat shall comply with the requirements of Indiana Code, 23-14-8 and any amendments thereto.
 - 8) For divisions by court decree, a copy of the decree showing by legal description how the land is to be divided.

- 9) SALE OR EXCHANGE OF TRACTS BETWEEN ADJOINING LAND OWNERS
 - a) For sale or exchange of adjoining land where one or more of the affected parcels is platted, a legal description and indication on the drawing of the tract to be divided and the tract to be added and certification by a registered land surveyor that monuments have been or will be set to indicate the relocated property lines. If the land involved in the subdivision has not been monumented, no monumentation is required.
 - b) For sale or exchange of adjoining unplatted land, a legal description and indication on the drawing of the tract to be divided and the tract to be added.
 - c) For subdivision where the purpose is to resolve a boundary dispute or to establish a mutually agreed upon boundary line, an affidavit signed by all affected property owners stating the purpose of the subdivision.
 - d) At the time that an administrative subdivision as defined in Section 1.1 (SUBDIVISION, ADMINISTRATIVE) is submitted for secondary approval, the submission shall include quitclaim or warranty deed(s) containing the legal description for each parcel of property for which ownership is transferred within and by said Administrative Subdivision.
- 10) For corrections of legal descriptions, an affidavit signed by the affected owners stating that the description was in error, and a corrected legal description. Such correction shall be recorded, and an appropriate notation shall be placed upon the previously recorded plat.
- 11) For dedication or granting of easements for purposes other than access, a legal description. Such easements shall be recorded, and an appropriate notation shall be placed on the recorded plat.
- 12) For dedication of right-of-way or access easements, a legal description and a plat showing the parcels and the location of the right-of-way or easement. In addition, for right-of-way dedication, certification by a registered land surveyor that monuments will be set indicating the relocated property lines.
- 13) For division of a building site containing an existing dwelling from an agricultural tract, evidence that the dwelling has been on the site for at least ten (10) years, and a survey by a registered land surveyor meeting the minimum standards for surveys and preparation of plats, contained in Section 5.2.

D) REVIEW PROCEDURE FOR ADMINISTRATIVE SUBDIVISIONS

- 1) **DISCUSSIONS WITH STAFF.** Prior to submitting any of the materials required by this Section, the applicant or his/her representative is encouraged to discuss with the Subdivision Administrator the nature of the land division being proposed. Based upon the information provided at this conference, the Subdivision Administrator will provide the applicant with a preliminary opinion as to whether the proposed subdivision qualifies as an administrative subdivision, and if not, which application and review procedure applies to that type of subdivision. Failure to hold this conference and/or to provide complete and accurate information to City Staff at this stage may cause delays in formal consideration of the subdivision.
- 2) **APPLICATION AND FEES.** An application for approval of an administrative subdivision shall be filed with the Planning Department on forms specified by the Plan Commission, together with all required materials. The fee, as set by the Plan Commission, shall be paid at the time of filing.
- 3) **PLAT COMMITTEE.** The Plat Committee has been assigned by the Plan Commission to review and decide administrative subdivision petitions. In the event of any uncertainty as to compliance or classification of any subdivision, the Plat Committee shall forward such subdivision to the Plan Commission for consideration.
- 4) **REVIEW.** The Plat Committee shall review the plat for compliance with the Subdivision Control Ordinance for the City of Lebanon. The Subdivision Administrator may review the application for compliance with this Section, and provide a recommendation to the Plat Committee.
- 5) **SITE VISIT.** Plat Committee members, city officials, staff or their representatives, at their discretion, may visit the site at any time during the review process.
- 6) **CONSULTATION.** Plat Committee members, city officials, staff, or their representatives shall consult with any other persons and agencies necessary to make an accurate determination of the compliance of the application with the terms of this Section.
- 7) **ACTION.** Action by the Plat Committee on an administrative subdivision shall be by a majority vote.
- 8) **PUBLIC NOTIFICATION.** Approval may be granted to an administrative subdivision by the Plat Committee without public notice and hearing. Within ten (10) days after approval by the Plat Committee, the Subdivision Administrator shall provide due notice by mail to adjacent property owners and the petitioner(s). Such

notice shall include a notification of the right to appeal the Plat Committee's decision.

- 9) COMMENT PERIOD. Adjacent property owners and the petitioner(s) shall have a ten (10) day comment period from the date the notice is mailed, within which any notice of appeal must be filed with the Subdivision Administrator.
- 10) APPEAL. Appeal shall be governed in accordance with the following section:
 - a) PLAT COMMITTEE DECISION. Any final decision of the Plat Committee may be appealed to the Plan Commission. The notice of final decision shall contain the date of mailing thereon. Appeal may be initiated by the applicant, or any property owner affected by such final decision. The appeal shall be directed to the Plan Commission, and shall be filed with the Subdivision Administrator. If the expiration of the ten (10) day comment period occurs on a Saturday, Sunday or recognized City of Lebanon holiday, then such expiration date shall be extended to include the next business day thereafter following.
 - b) PUBLIC HEARING. Appeal of the Plat Committee final decision shall be heard by the Plan Commission at a regularly scheduled public hearing, or in accordance with commission rules at a special meeting of the Plan Commission. Said hearing shall take place within forty-five (45) days after the filing of an Appeal with the Subdivision Administrator, and the Plan Commission shall render its written final decision within fifteen (15) days after such hearing. With the consent of the applicant and the Plan Commission, said hearing day may be extended.
 - c) PLAN COMMISSION DECISION. A final decision of the Plan Commission may be appealed to the Circuit Court or Superior Court of Boone County, Indiana. Said appeal shall be through a Petition for Writ of Certiorari filed with the clerk of the appropriate court within thirty (30) days after the date of such final decision. Said petition shall in all respects conform to Indiana Law.
- 11) APPROVAL CERTIFICATE. The Chairman and Secretary of the Plat Committee are authorized to sign the approved administrative plat.
- 12) LENGTH OF APPROVAL FOR ADMINISTRATIVE SUBDIVISIONS
 - a) The approved administrative subdivision shall be recorded in the Boone County Recorder's Office within 120 days of certification by the Plat Committee. Any such subdivision and certification not recorded within that period shall become null and void.

- b) The approved administrative subdivision and any deed as required by this Article shall be recorded concurrently in the Boone County Recorder's Office within 120 days of certification by the Plat Committee. Any such subdivision, deed(s) and certification not recorded within that period shall become null and void.

SECTION 4

SOIL SURVEY, DRAINAGE, EROSION AND SEDIMENT CONTROL

4.1 BASIC REQUIREMENTS

Before granting approval of a Subdivision, the Subdivision Administrator shall be satisfied that the proposed Subdivision meets the applicable criteria set forth herein for the tract of land concerning types of soils involved, and the conditions which are requisite to assure proper execution of erosion and sediment control and proper drainage. The Subdivision Administrator shall be guided by the information set forth in the findings in the NATIONAL COOPERATIVE SOIL SURVEY prepared by the USDA Soil Conservation Service (now Natural Resources Conservation Service -NCRS) in cooperation with the Purdue Experiment Station and the Indiana Department of Natural Resources, Soil and Water Conservation Committee as well as the specifications set forth herein. The Subdivision Administrator may also be guided by advice from the USDA Natural Resources Conservation Service (NCRS), Boone County Soil and Water Conservation District, Boone County Drainage Board, Indiana Department of Natural Resources Division of Water, Indiana Department of Environmental Management, and other agencies or officials offering technical assistance on the subjects of soils, drainage, erosion and sediment control. The applicant shall provide the information, report or plan required for his application; and any expense necessary to ensure adequate information, report or plan shall be met by the applicant.

4.2 GENERAL

- A) No changes shall be made in the contour of the land; and no grading, excavating, removal or destruction of the top soil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been reviewed by the Subdivision Administrator, or there has been a determination by the Subdivision Administrator that such plans are not necessary.
- B) PREREQUISITES FOR APPROVAL OF A SUBDIVISION. No subdivision shall be approved unless:
 - 1) There has been a plan approved by the Subdivision Administrator that provides for drainage and minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited with the City in the form of an escrow guarantee satisfactory for the planning, which will ensure installation and completion of the required improvements; or

- 2) There has been a determination by the Subdivision Administrator that a plan for drainage and minimizing erosion and sedimentation is not necessary.
- C) Erosion and sedimentation control specifications. Measures used to control erosion and reduce sedimentation and to provide drainage for any tract greater than five (5) acres shall meet, as a minimum, the standards and specifications of 327 IAC 15-5. Measures used to control erosion and reduce sedimentation and to provide drainage on tracts less than (5) acres shall meet, as a minimum, the standards and specifications of the Indiana Department of Natural Resources. The Subdivision Administrator shall ensure compliance with the appropriate specifications, copies of which are available from the Indiana Department of Natural Resources or the Department of Planning and Development.
- D) All measures involving erosion control practices shall be designed and installed under the guidance of a qualified professional experienced in erosion control.

4.3 COMPLIANCE WITH “RULE 5”

Where any construction activity results in clearing, grading, excavating, or other land disturbing activity on a tract of land greater than five (5) acres, the development is subject to the regulations set forth in 327-IC-15-5. Prior to the approval of a subdivision, the developer shall file with the Indiana Department of Environmental Management in accordance with the provisions of 327-IC-15-5.

4.4 EROSION CONTROL DURING LAND DISTURBING ACTIVITIES

The following erosion control measures shall be followed during the period of land disturbing activities on any tract greater than five (5) acres in accordance with 327-IAC-15-5. Further, the Subdivision Administrator may require the following measures for tracts of less than five (5) acres where site conditions warrant such control.

- A) Sediment-laden water which would otherwise flow from the site shall be detained by erosion control practices appropriate to minimize sedimentation in receiving streams. No storm water shall be discharged from the site in a manner causing erosion in the receiving channel at the point of discharge.
- B) Appropriate measures shall be taken to minimize or eliminate waste or unused building materials.
- C) Sediment being tracked from a site onto public or private roadways shall be minimized by a temporary gravel construction entrance in addition to well-planned layout of roads, access drives, and parking areas.

- D) Public and private roads shall be kept cleared of accumulated sediment. Bulk clearing of accumulated sediment shall not include flushing the area with water. Cleared sediment shall be returned to the point of likely origin or other suitable location.
- E) On-site storm drain inlets shall be protected against sedimentation with straw bales, filter fabric, or equivalent barriers.
- F) Storm water drainage from adjacent areas that naturally pass through the site shall be controlled by diverting it around disturbed areas. Alternatively, the existing channel must be protected and/or improved to prevent erosion or sedimentation from occurring.
- G) Runoff from a disturbed area shall be controlled by one (1) or more of the following:
 - 1) Appropriate vegetative practices shall be initiated within seven (7) days of the last land disturbing activity at the site, except as prevented by inclement weather conditions.
 - 2) An erosion control plan shall be implemented on all disturbed areas within the construction site.
- H) The installation of utilities lines on the site shall take place prior to final land grading, seeding, and mulching of the site, whenever practicable.
- I) Erosion control measures shall be implemented which are to remain on the site.

4.5 EROSION AND SEDIMENTATION CONTROL MEASURES

The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the erosion control plan of all subdivisions, regardless of size, unless determination is made by the Subdivision Administrator that such a plan is not necessary:

- A) Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.
- B) Subdivisions shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
- C) Whenever feasible, natural vegetation shall be retained, protected and supplemented.

- D) The disturbed area and the duration of exposure shall be kept to a practical minimum.
- E) Disturbed soils shall be stabilized as quickly as practicable.
- F) The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
- G) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff shall be structurally retarded.
- H) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps or similar measures.

4.6 GRADING FOR DRAINAGE

In order to provide more suitable sites for building and other uses, improve surface drainage and control erosion, the following requirements shall be met for all subdivisions, regardless of size, unless determination is made by the Subdivision Administrator that such a plan is not necessary:

- A) The location, grading and placement of sub-grade (base) material of all driveway and parking areas shall be accomplished as the first work done on a development plan.
- B) All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be sodded or planted as required and shall be of such slope, shape and size as to conform with the requirements of the City of Lebanon.
- C) Concentration of surface water runoff may be permitted in swales, ponds or watercourses.
- D) EXCAVATIONS AND FILLS
 - 1) Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing or as approved by the Subdivision Administrator when handled under special conditions.
 - 2) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills by installation of temporary or permanent drainage across or above these areas.

- 3) Cut and fills shall not endanger adjoining property.
- 4) Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
- 5) Fills shall not encroach on natural watercourses or constructed channels.
- 6) Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- 7) Grading will not be done in such a way so as to divert water onto the property of another land owner without the expressed consent of the Subdivision Administrator.
- 8) During grading operations, necessary measures for dust control will be exercised.
- 9) Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of temporary or permanent culverts or bridges.

4.7 EROSION CONTROL PLAN

Where required by this Ordinance, the erosion control plan shall consist of the following information, drawn in accordance with the drafting standards set forth in Section 5.2 of this ordinance.

- A) SHEET ONE: Existing site map showing the following:
 - 1) Site boundaries and adjacent land adequate to convey the site location.
 - 2) Lakes, streams, channels, ditches, wetlands and other water courses on and adjacent to the site.
 - 3) One hundred (100) year floodplains, floodway fringes and floodways.
 - 4) Location of the predominant soil types which may be determined by the United States Department of Agriculture, SCS County Soil Survey, or an equivalent publication, or as determined by a certified professional soil scientist.
 - 5) Location and delineation of vegetative cover such as grass, weeds, brush and trees.

- 6) Location and approximate dimensions of utilities, structures, roads, highways and paving.
 - 7) Site topography, both existing and planned, at a contour interval appropriate to indicate drainage patterns.
 - 8) Potential areas where point source discharges of storm water may enter ground water, if any.
- B) SHEET TWO: A plan of final site conditions on the same scale as the existing site map, showing the site changes.
- C) SHEET THREE: A site construction plan, including but not limited to the following:
- 1) Locations and approximate dimensions of all proposed land disturbing activities.
 - 2) Potential locations of soil stockpiles.
 - 3) Locations and approximate dimensions of all erosion control measures necessary to meet the requirements of this Section.
 - 4) Provisions for maintenance of the erosion control measures during construction, including a schedule.
 - 5) The location of existing vegetation which is to remain on the site.

4.8 RESPONSIBILITY

- A) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the applicant, person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage of his expense as quickly as possible.
- B) Maintenance of all driveways, parking areas, drainage facilities and watercourses within any subdivision is the responsibility of the applicant, or owner developer.
- C) It is the responsibility of the applicant and any person, corporation, or other entity doing any act on or across a communal stream, watercourse, or swale or upon the floodplain or right-of-way during the pendency of the activity to return it to its original or equal condition after such activity is completed.

- D) Each applicant, person, corporation, or other entity which makes any surface changes shall be required to:
- 1) Collect on-site surface runoff and dispose of it to the point of discharge into an adequate outlet approved by the Subdivision Administrator.
 - 2) Handle existing and potential off-site runoff through his development by designing to adequately handle storm runoff from a fully developed area upstream. (Runoff from a fully developed area upstream shall mean the reasonably anticipated runoff upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by prevailing zoning.)
 - 3) Pay his proportionate share of the total cost of off-site improvements to the common natural watercourse, based on a fully developed drainage area.
 - 4) Provide and install at his expense, in accordance with the Subdivision Administrator's requirements, all drainage and erosion control improvements (temporary and permanent).
- E) The applicant or owner will assume the responsibility for maintaining an open and free flowing condition in all major and minor streams, watercourses and drainage systems, constructed or improved in accordance with City and County design criteria.
- 1) No applicant or person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Boone County Drainage Board or the Indiana Department of Natural Resources, Division of Water, whichever is applicable.
 - 2) Where a subdivision is traversed by a watercourse, the total development of the watercourse shall be considered. There shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve natural drainage to the satisfaction of the Subdivision Administrator.

4.9 COMPLIANCE WITH REGULATIONS AND PROCEDURES

The design, installation, and maintenance of the required drainage facilities and erosion and sediment control measures shall be in accordance with the

criteria and standards established by the Indiana Department of Natural Resources.

- A) The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the subdivision, and become a part thereof.
- B) Permission for clearing and grading prior to the approval of the subdivision may be obtained under temporary easements or other conditions satisfactory to the Subdivision Administrator.
- C) In the event the applicant or developer proceeds to clear and grade prior to the approval of the subdivision, without satisfying conditions specified under Section 4, herein, the Board may revoke the approval of all plans.

SECTION 5 GENERAL SUBDIVISION STANDARDS

5.1 GENERALLY

- A) In determining whether an application for approval of an Overall Primary and a Secondary Plat of a Subdivision shall be granted, the Commission shall determine that the plat is in accordance with the Comprehensive Plan and conforms to the principles and standards required in this Ordinance.
- B) Whenever the applicable requirements of the Zoning Code are higher or more restrictive, those requirements shall control any application for plat approval.
- C) 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.
- D) 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.
- E) The subdivision layout shall be of such a character that it protects the health, safety, and general welfare of the residents in the jurisdiction of the Commission.

5.2 STANDARDS FOR SURVEYS AND PREPARATION OF PLATS

- A) **GENERAL.** All surveys shall be conducted and plats prepared in accordance with the Indiana Survey Standards adopted by the Indiana Society of Professional Land Surveyors and any amendments thereto. In the event of any difference between the Indiana Survey Standards and this Article, the stricter requirement shall apply.
- B) **DRAFTING.** All plats submitted for approval shall be prepared by or under the supervision of a professional land surveyor licensed in compliance with the laws of the State of Indiana. All drawings shall be neat, legible, reproducible, reducible, and drawn on a permanent material.
- C) **MATERIAL.** All plats of major and minor subdivisions shall be drawn on Mylar or equivalent material at least 2 mils in thickness. Administrative subdivisions may be drawn on white paper.

- D) LETTERING, SYMBOLS, AND DRAFTING. Lettering identifying surveying points or labeling shall be no smaller than 14 point or 1/8" in height and shall be legible when the drawing is reduced 65 percent. Certificates shall be typewritten.
- E) SIZE. Plats shall be drawn on sheets no larger than 24 inches by 36 inches and no smaller than 12 inches by 18 inches. Plats may consist of more than one sheet, but each sheet shall be labeled with the name of the subdivision and numbered. Administrative subdivisions may be drawn on sheets no smaller than 8½ inches by 11 inches.
- F) COPIES. Copies of drawings required to be submitted under the terms of this Ordinance shall be blueline or blackline prints and shall be legible.
- G) DIGITAL PLANS. All Primary Plats, Secondary Plats, and As Built Drawings submitted for Major Subdivisions must also be submitted in a digital format compatible with the City's computer system.
- H) ACCURATE DIRECTION AND LENGTH IN FEET AND HUNDREDTHS OF FEET OF EACH LINE. Geometrically curved lines shall be identified with sufficient curve data to define the curve. (Curve data include delta angle, radius, chord distance, chord bearing, arc length, and tangent length). Lines required to be shown include but are not limited to the following:
 - 1) Plat boundary (heavy solid line)
 - 2) Right-of-way lines of streets and alleys (solid line)
 - 3) Easements (dashed line)
 - 4) Lot lines (solid line)
 - 5) Lines indicating easements or lot lines to be vacated by the plat (dashed or dotted line)
- I) A description of all monuments including a notation as to whether found or set.
- J) Accurate distances and bearings from an established monument or property corner to the subdivision benchmark.
- K) Distances and bearings for easements shown on the plat which are sufficient to locate said easements.
- L) SURVEYS. All surveys conducted and graphically represented under the terms of this Ordinance shall comply with the minimum standards contained herein.
 - 1) POSITIONAL TOLERANCE. The relative precision of the survey shall meet or exceed the following: The true horizontal distance between any two points whose positions are stated relative to each other, whether directly or indirectly by calculation, shall not differ from the

reported distance by more than one (1) part in five thousand (5,000) plus two tenths (.20) feet.

- 2) POINT OF BEGINNING. The point of beginning shall be called out in the description and on the drawing.
- 3) SOURCE OF BEARING SYSTEM. The source of the bearing system shall be stated (i.e., assumed, magnetic, astronomic) in the description by the bearing on the face of the plat.
- 4) AREA OF THE TRACT. The calculated area of the tract in square feet or acres shall be included in the description.
- 5) TIES. All surveys of unplatted ground shall be tied to at least two section corners. Surveys of platted ground shall be tied to previously platted and monumented points.

M) MONUMENTS AND MARKERS

- 1) Monuments and markers shall be placed so that the center of the pipe or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.
- 2) Monuments shall be set:
 - a) At the intersection of lines forming angles in the boundary of the subdivision, provided that not more than eight (8) monuments shall be required.
 - b) At the intersection of street property lines. Not more than one (1) monument shall be required at an intersection.
- 3) Markers shall be set:
 - a) At the beginning and ending of all curves along street property lines.
 - b) At all points where lot lines intersect curves, either front or rear.
 - c) At all angles in property lines of lots.
 - d) At all other lot corners not established by a monument.
- 4) Monuments shall be of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of four inches (4") by four inches (4") by thirty inches (30"), set vertically in place. They shall be marked on top with an iron or copper dowel set flush with the top of the monument, or deeply scored on top with a cross. Markers shall

consist of iron pipes or steel bars at least thirty inches (30") long, and not less than five-eighths inch (5/8") in diameter.

5.3 STREET STANDARDS

The street and alley layout shall provide adequate vehicular and pedestrian access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created. Streets shall conform to the following principles and standards:

A) GENERAL STREET STANDARDS

- 1) **GRADIENT.** Proposed streets shall be sited to conform to the contour of the land as best as possible so as to produce usable lots and streets of reasonable gradient.
- 2) **THROUGH TRAFFIC.** Residential street systems shall be designed to maximize vehicular connections. Wherever possible, proposed streets shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
- 3) **EXTENSION OF ADJACENT STREETS.** Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.
- 4) **ACCESS TO PRIMARY CIRCULATION SYSTEM.** Residential street patterns shall provide reasonable direct access to the primary circulation system.
- 5) **CONFLICT WITH EFFICIENCY OF BORDERING ARTERIAL ROUTES.** Local circulation systems and land development patterns shall not conflict with the efficiency of bordering arterial routes.
- 6) **WIDTHS.** Widths of Arterial Streets and Feeder Streets shall conform to the widths set forth in the Thoroughfare Plan. In subdivisions that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established by the Thoroughfare Plan, the subdivider shall dedicate additional width along either one or both sides of such 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 control.
- 7) **STREET NAMES.** No secondary plat approval of a subdivision plat shall be given unless the names of the streets are endorsed thereon. No street names may be used which will duplicate, or be confused with, the names of existing streets, unless for special reasons to be considered as exceptions by the Commission. 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 such existing streets. Such approved street names shall not be changed unless the same are submitted to the Plan Commission and approved by this Commission in open public meeting.

- 8) Residential driveways within subdivisions shall access an internal street network. No driveway access to individual lots within major residential subdivisions shall be permitted on arterial streets.

B) SPECIAL STREET TYPES

- 1) MINIMUM RIGHTS-OF-WAY. All Cul-de-Sacs shall terminate in a circular right-of-way with a minimum diameter as set forth in Ordinance 99-4: "Lebanon Standards", as amended, or other arrangement for the turning of all vehicles conveniently within the right-of-way; cul-de-sacs shall not exceed six hundred (600) feet in length.
- 2) FRONTAGE ROADS. Provision should be made for a frontage road (or service road) where any proposed subdivision contains or is adjacent to a railroad right-of-way or thoroughfare where it is recommended by the Comprehensive Plan or Section 6.7 of the Zoning Code to provide a frontage road (or service road). As a general principle, intersections of such frontage roads or parallel streets shall not exist at less than one quarter mile intervals with major thoroughfares.
- 3) HALF STREETS. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations, and/or where the Commission 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 such tract.
- 4) DEAD-END STREETS. 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 turn-around shall be provided for any such temporary dead-end street which extends 200 feet or more in length. Such easement shall be automatically vacated to abutting property owners when said dead-ended street is legally extended.
- 5) SPECIAL STREETS. Where parkways or special types of streets are involved, the Commission may apply special standards to be followed in their design.

C) INTERSECTIONS OF STREETS

- 1) INTERSECTION OF CENTERLINES. The center lines of streets should intersect as nearly at right angles as possible.
- 2) PROPERTY LINE CORNERS AT INTERSECTIONS OF STREETS AND ALLEYS. At intersections of streets and alleys, property line corners shall be rounded by arcs of at least twenty (20) feet radii or by chords of such arcs.
- 3) PROPERTY LINE CORNERS AT INTERSECTIONS OF STREETS. At intersections, the streets' property line corners shall be rounded by arcs with radii of not less than fifteen (15) feet, or by chords of such arcs.
- 4) INCREASE IN RADIUS OF INTERSECTION ARC. If the smaller angle of intersection of two streets is less than sixty (60) degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Commission.
- 5) INTERSECTION OF MORE THAN TWO STREETS AT ONE POINT. Intersections of more than two (2) streets at one point shall be avoided.
- 6) MINIMUM CENTERLINE OFFSETS FOR STREET JOGS. Street jogs with centerline offsets of less than 125 feet shall not be permitted.

D) VISIBILITY

- 1) Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center lines as follows:
 - a) Principal Arterials 500 feet
 - b) Minor Arterials 300 feet
 - c) Urban Collectors and Local Streets 150 feet
- 2) REQUIRED RESTRICTIVE COVENANTS IN SECONDARY PLATS. The following paragraphs shall be required as a provision of the restrictive covenants of all final plats to which they apply:
 - a) No fence, wall, hedge, tree or shrub planting which obstructs sight lines and elevations between three (3) and twelve (12) 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 forty (40) feet from the intersection of said street lines, or in the case of a

rounded property corner, from the intersection of the street right-of-way lines extended.

- b) The same sight line limitations shall apply to any lot within ten (10) 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 seventy-five (75) feet of the intersection of two (2) street lines.

E) SPECIFIC STREET STANDARDS

- 1) CENTERLINE MINIMUM RADIUS. Curvature measure along the center line shall have a minimum radius as follows:
 - a) Principal Arterials 500 feet
 - b) Minor Arterials 300 feet
 - c) Urban Collectors 200 feet
 - d) Local Streets 100 feet
- 2) TANGENT BETWEEN REVERSED CURVES. Between reversed curves on Arterial Streets there shall be a tangent of not less than one hundred (100) feet; and on Feeder and Residential Streets such tangent shall be not less than forty (40) feet.
- 3) MAXIMUM GRADES OF STREETS. Maximum Grades for streets shall be as follows:
 - a) Principal and Minor Arterials, not greater than six percent (6%).
 - b) Urban Collectors, Local Streets, and Alleys, not greater than eight percent (8%).
- 4) MINIMUM GRADES OF STREET GUTTERS. The Minimum Grade of any street gutter shall not be less than three-tenths (0.3) percent.

5.4 BLOCK STANDARDS

- A) Block length and width or acreage within bounding streets shall be such as to accommodate the size of lot required in the area by the Zoning Code and to provide for convenient access, circulation control, and safety of street traffic. Blocks that are unreasonably large or small will not be approved.
- B) 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.

- C) Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots of minimum depth, except where reverse frontage lots bordering a freeway, arterial street or flood plain are used.

5.5 LOT STANDARDS

- A) Subdivision lots shall be adequate for the type of development and land use proposed, and shall be in conformity with Zoning Code provisions applicable thereto, provided that the area of the lots shall meet the criteria set forth by the Health Officer.
- B) The lot size, width, depth and shape, grade location, and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.
- C) All lots shall abut on a street.
- D) Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided.
- E) Double frontage lots should not be platted, except that, where desired along no access streets or Arterial Streets, lots may face on an interior street and back on such thoroughfares. In that event, a planting strip for a screen of at least twenty (20) feet in width shall be provided along the back of each lot.
- F) The depth to width ratio of any single-family residential lot shall not be greater than three to one.
- G) Building lines shall conform to the front yard provisions of the Zoning Code.

5.6 EASEMENTS

The subdivider shall 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 lot.

5.7 PUBLIC OPEN SPACES

- A) Where sites for parks, schools, playgrounds or other public uses are located within the subdivision area as shown in the Comprehensive

Plan, the Commission may request their dedication for such purposes, or their reservation for a period of two (2) years following the date of the final approval of the plat. In the event a government agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended for an additional six (6) months.

- B) In a subdivision proposed to contain an average of more than two (2) and one-half (1/2) lots per gross acre, and containing fifty (50) or more lots as shown on the Primary Plat, at least one (1) acre of open space per each fifty (50) lots shall be platted and permanently dedicated for community park or playground use. At the discretion of the Commission such area may be permanently dedicated to the City, or if suitably protected by covenants, to a private land owners' association. Playgrounds or public school sites within the boundaries of the proposed subdivision shall be deemed to meet such community open space requirements. The least dimension of any such required open space shall be one hundred and fifty (150) feet. A public way crosswalk or easement of not less than fifteen (15) feet in width shall be provided for access to the required open space.

5.8 COMMERCIAL INDUSTRIAL AND MULTI FAMILY SUBDIVISIONS

- A) GENERAL. Any proposed subdivision containing land that is zoned or otherwise intended to be used for commercial, industrial, or multi-family uses is subject to the design standards contained in this section, in addition to those standards applying to all subdivisions of land.
- B) ARRANGEMENT OF LOTS AND/OR BLOCKS. Proposed commercial, industrial, or multifamily parcels shall be laid out in such a manner as to provide safe access; harmonious arrangements of land uses; separation of differing modes of transportation; areas for drainage runoff; and, where applicable, retention areas, parking, landscape buffers, and utilities.
- C) FRONTAGE. Each lot or parcel shall have the full-required frontage on a public road meeting the minimum standards of the Zoning Code.
- D) STREETS. If access will be required for large trucks and/or heavy loads, the Commission may increase the construction and design requirements. Roads serving primarily non-residential traffic, especially truck traffic, shall not normally be extended to the boundary of adjacent tracts used or zoned for residential purposes, nor shall primarily residential roads be used for access to industrial subdivisions. Multifamily dwelling complexes shall be designed to discourage traffic from using streets designed and constructed primarily for single family residential use.
- E) ALLEYS. Alleys may be permitted by permission of the Commission to provide loading and service areas. Such alleys shall have a right-of-way

width of at least twenty (20) feet and a pavement width of at least sixteen (16) feet.

- F) The following items shall be addressed, either through the lot design or through notations placed upon the plat:
- 1) **LOADING DOCKS AND PARKING.** Loading docks, truck parking and/or truck turn-around areas shall be designated by the use of signs and pavement markings. These areas shall be separated from parking and access areas used by automobiles or pedestrian traffic. Public streets shall not be used for truck parking, standing or backing.
 - 2) **FIRE LANES.** Fire lanes shall be required at all entrances and exits to structures and storage areas and at all locations of hydrants, siamese connections, sprinkler controls, or other locations deemed appropriate by the Commission. Fire lanes shall be marked by signs and pavement markings in accordance with current standards and specifications.
 - 3) **PARKING LOTS.** Parking lots shall have a hard, dust-free surface and shall be designed to provide safe, well-defined points of ingress and egress. The Commission may require such physical barriers, pavement markings, signs, and landscaping as it deems necessary to properly channel traffic to designated parking entrances and exits.
 - 4) **BUFFERS.** Subdivisions containing land zoned for multi-family use shall contain landscaped buffer areas at least 10 feet in depth along all lot lines abutting land zoned for single family or two-family residential use. Subdivisions containing land zoned for commercial or industrial use shall contain landscaped buffer areas at least 25 feet in depth along all lot lines abutting land used or zoned for residential use. The subdivision plans must show the planting details, including the types(s) and height of vegetation and the caliper of trees to be planted. Such landscaped buffer shall be at least six (6) feet in height and shall consist of materials which will form a dense screen within three (3) years, or an opaque fence shall be constructed to accomplish this purpose. The design and materials of such fence shall be shown on the plans.
 - 5) **SNOW STORAGE.** Developments which have parking, loading, and driveway areas in excess of 40,000 square feet shall contain snow storage areas. Drainage plans shall include plans for the disposal of melt water.
- G) **DRAINAGE.** A drainage plan meeting the specifications contained in Section 4 shall be submitted. Such system shall be designed so as to maximize the disposal of storm water into the storm sewer system.

Such system may also make maximum use of on-site retention ponds or detention basins, as needed, to minimize the downstream impact of drainage from the site.

- H) **WATER AND SEWER FACILITIES.** The Commission may impose such requirements as it deems necessary on the installation of water and sewer facilities.

SECTION 6 STANDARDS FOR IMPROVEMENTS AND INSTALLATIONS

6.1 GENERALLY

The Secondary Plat of the subdivision shall conform to the following standards of improvements.

6.2 LEBANON STANDARDS INCORPORATED BY REFERENCE

The “Lebanon Standards” adopted by the City of Lebanon, Indiana, Ordinance 99-4, as amended, shall be in full force and effect and are hereby incorporated herein by reference.

6.3 INTERPRETATION

Where discrepancies occur between the written text of this Section and the “Lebanon Standards”, as amended, the “Lebanon Standards” with their respective notes shall supercede the written text of this Section.

6.4 STREET IMPROVEMENTS

- A) Streets (and alleys where provided) shall be completed to grades shown on plans, profiles, and cross-sections, provided by the subdivider, prepared by a registered professional engineer, and approved by the Commission.
- B) The street shall be graded, surfaced and improved to the dimensions required by the cross-sections, and the work shall be performed in the manner prescribed in "Standard Specifications for Road and Bridge Construction and Maintenance", latest issue, of the State Highway Commission of Indiana. References in the following paragraphs refer to such publication, referred to hereinafter as “Standard Specifications”.
- C) The street surface shall be of Portland Cement Concrete or a flexible pavement and shall be constructed in accordance with design characteristics at least equal to those given below.
- D) The subgrade shall be prepared in compliance with Section B-9 of the Standard Specifications or any subsequent amendments thereto.

E) RIGID TYPE PAVEMENT (PLAIN CEMENT CONCRETE)

- 1) Minimum design characteristics of street pavement shall be as follows:

	Principal & Minor Arterials	Urban Collectors	Local Streets & Alleys
Controlled Wheel Load	11,000 lbs.	8,000 lbs.	6,000 lbs.

Concrete

Uniform Design (Plain Cement Concrete: 550 psi or 6 Bag Concrete)

Thickness:	8"	7-1/2"	6"
Granular Leveling- Base	3"	3"	3"

- 2) Subgrade shall be moist but not muddy at the time the concrete is placed. If required, it shall be saturated with water the previous night or not less than six hours prior to the concrete placement. If it subsequently becomes too dry just prior to placing concrete, it shall be sprinkled, but the method of sprinkling shall be such that mud or pools of water will not be formed. Plain cement concrete pavement shall be in accordance with Section D106.11 of the Standard Specifications, or any subsequent amendments thereto.
- 3) Materials shall comply with Division III, Parts G, H, J and K of the Standard Specifications or any subsequent amendments thereto. Size No. 2 (U) coarse aggregate will not be required. Cement content shall be six (6) bags per cubic yard of concrete mixture. Concrete shall be machine finished except on widened portions, intersections or other places where hand finishing will be permitted if authorized.
- 4) Weakened plane or dummy transverse contraction joints shall be placed, not to exceed twenty (20) foot spacing. Transverse contraction joints may be either formed or sawed dummy groove, ribbon or pre-molded strip type. When transverse joints are to be formed by sawing, care must be taken to saw the grooves soon after placing the concrete to prevent the formation of cracks due to contraction of the slab. All transverse joints shall be sawed eight hours after the placing of the concrete unless authorization is given for sawing at a later time. One of the above named joints shall be placed at every catch basin and manhole in line of pavement. The location of manholes, etc. in the pavement shall determine the exact location of joints. All joints must extend throughout side strips to full width of pavement. Dowel bars will not be required except where shown on the plans. Transverse expansion joints, with

approved dowel bar assembly, shall be placed at intersections and where shown on the plans. Whenever the width between forms of the pavement under construction is greater than thirteen (13) feet, longitudinal joints shall be constructed so as to divide the pavement into strips not to exceed thirteen (13) feet each. This may be accomplished by constructing a slot or groove as herein described for dummy contraction joints, or by a deformed metal key plate installed prior to the depositing of the concrete. Finishing machines or vibrating strike boards of design other than as specified in the Standard Specification will be permitted only if work of equal quality as set out in these specifications is obtained.

- 5) Curing with approved impervious membrane or sealing compounds will be permitted, if authorized.

F) FLEXIBLE TYPE PAVEMENT (ASPHALTIC SURFACE)

- 1) Minimum design characteristics shall be as follows:

Street Designation:	Principal & Minor Arterials	Urban Collectors	Local Streets & Alleys
Controlled Wheel Load	11,000 lbs.	8,000 lbs.	6,000 lbs.
Surface - Course	1"	1"	1"
Binder - Course	3"	2"	2"
Bituminous - Base	12"	12"	10"
Granular - Leveling Base	6"	1"	1"

- 2) Subbase material shall meet the requirement for Granular Base below. Construction shall follow the procedure specified in Section C11 of the Standard Specifications, or any subsequent amendments thereto. Special subbase drainage in areas of cuts and swales shall be as set out in the satisfactory plans and specifications.
- 3) Granular Base courses shall be of Waterbound Macadam Base materials and methods conforming to the requirements of Section C 2 of the Standard Specifications, or any subsequent amendments thereto.
- 4) Bituminous Base courses shall conform to the requirements of Sections 401, 402, 403 and 406 of the Standard Specifications.

- 5) Surface courses shall consist of a surface and a binder as set out below. Material and method shall conform to cited standards below.
- 6) BINDER COURSE - Material and methods shall conform to the requirements of Section D 304.2 of the Standard Specifications, or any subsequent amendments thereto.
- 7) SURFACE COURSE - Material and methods shall conform to the requirements of Section D 304.3 (b) of the Standard Specifications, or any subsequent amendments thereto.
- G) Prior to placing the street and all surfaces, adequate subsurface drainage for the street shall be provided by the subdivider. Subsurface drainage pipe, when required, shall be aluminum or coated corrugated pipe or a similar type not less than twelve (12) inches in diameter approved by the Commission. Upon the completion of the street and alley improvement, plans and profiles as built shall be filed with the Commission. (See Section 2.9)

6.5 SANITARY SEWAGE DISPOSAL

- A) In this Section SANITARY SEWAGE DISPOSAL, and the next Section WATER, the phrase "the subdivider shall provide" shall be interpreted to mean that the subdivider shall install the facility referred to.
- B) The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect with a sanitary sewer outlet approved by the Health Officer and the Lebanon Board of Public Works and Safety.
- C) The plans for the installation of a sanitary sewer system shall be provided by the subdivider and approved by the Health Officer, and the Lebanon Utilities Service Board. Upon the completion of the sanitary sewer installation, the plans for such system as built shall be filed with the Commission. (See Section 2.9)

6.6 WATER

- A) The subdivider shall provide the subdivision with a complete water main supply system, which shall be connected to a municipal or a community water supply approved by the Health Officer, and the Lebanon Utilities Service Board, in accordance with the requirements and procedures of the Public Service Commission's Rule 24, "Extension of Water Mains by Public Utilities".

- B) The general layout of the water supply system shall be provided by the subdivider and the Lebanon Utilities Service Board shall provide the plans for the water supply system in accordance with said Rule 24.

6.7 STORM DRAINAGE

- A) The Subdivider shall provide the subdivision with an adequate storm water sewer system whenever curb and gutter are installed and whenever the evidence available to the Commission indicates that the natural surface drainage is inadequate. When the surface drainage is adequate, easements for such surface drainage shall be provided. Where existing natural drainage ways offer a suitable means of storm drainage, the street right-of-way may be widened to accommodate them, or they may be located in a parkway or easement.
- B) The plans for the installation of a storm drainage system shall be provided by the Subdivider and approved by the Lebanon Stormwater Management Board. Upon the completion of the storm sewer installation, the plans for such system as built shall be filed with the Commission. (See Section 2.9)

6.8 CURB AND GUTTER

- A) The Commission shall require curb and gutter to be installed on each side of the street surface.
- B) The curb and gutter shall be of one of the construction types shown in the Lebanon Standards, as amended, and shall be constructed according to the following specifications:
 - 1) The base for the curb and gutter shall be well-compacted on the existing base or grade.
 - 2) The minimum specifications shall be as shown in the Lebanon Standards, as amended.
 - 3) All gutters and curbs shall be constructed in conformance with Sections 1301, 1302, 1303, 1401, 1402 and 1403 of the Standard Specifications, or any subsequent amendments thereto. Curbs and gutters shall conform to the construction plans required to be submitted by the subdivider.

6.9 SIDEWALKS

The Commission shall require sidewalks to be installed along all street frontages. Sidewalks shall be constructed of Portland Cement Concrete, at least four (4) inches thick, and four (4) feet wide, and the edge of the walks adjacent to the property line of the street shall be placed at least one (1) foot from the property line.

6.10 SHOULDERS, SIDE SLOPES AND DITCHES

- A) All shoulders, side slopes and ditches shall be prepared in accordance with Section B-10 of the Standard Specifications or any subsequent amendments thereto, and construction plans required to be submitted by the applicant.
- B) All shoulders, side slopes and ditches shall be protected from erosion by either sodding as set forth in Section F-40 of the Standard Specifications, or any subsequent amendments thereto, or seeding as set forth in Section F-41 of said standards, as shown on the erosion control plan, which plan shall be a part of the required construction plans to be submitted by the applicant. (See Section 4)
- C) Side slopes having a grade in excess of 2 to 1 shall be protected by hand-lain riprap in accordance with Section F302.3 and F303.3 of the Standard Specifications, or any subsequent amendments thereto, as required on the construction plans to be submitted by the applicant.
- D) Ditches having a grade of three, four or five percent shall have a gutter consisting of sod, or if in excess of five percent shall have a gutter consisting of concrete or stone as shown on the construction plans to be submitted by the applicant.

6.11 STREET IDENTIFICATION SIGNS

The subdivider shall provide the subdivision with street signs at the intersection of all streets. The location and type of sign shall meet the approval of the Lebanon Board of Public Works and Safety.

6.12 STREET LIGHTS AND FIRE HYDRANTS

The subdivider shall provide the subdivision with street lights and fire hydrants, the quantity, type and location of which will be determined by the Lebanon Utilities Service Board. The subdivider shall provide the subdivision with street lights and fire hydrants at street intersections and at

such other locations as the Lebanon Utilities Service Board may direct, in accordance with the requirements and procedures of the Public Service Commission's Rule 24, "Extension of Water Mains by Public Utilities".

SECTION 7 SEVERABILITY CLAUSE AND EFFECTIVE DATE

7.1 SEVERABILITY CLAUSE

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof, other than the portion so declared to be invalid.

7.2 EFFECTIVE DATE

This Ordinance shall be in full effect from and after July 24, 2000, as provided by law.

Passed by the Common Council of the City of Lebanon, Indiana this 24th day of July, 2000.

Mayor of Lebanon, Indiana

ATTEST:

Clerk-Treasurer
City of Lebanon, Indiana

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