

NEWBURGH SUBDIVISION CONTROL ORDINANCE

CHAPTER 131

NEWBURGH CODE OF ORDINANCES



The Town of Newburgh

Adopted July, 1997

NEWBURGH SUBDIVISION CONTROL ORDINANCE

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CHAPTER 131 - SUBDIVISION CONTROL

131.01 - DEFINITIONS

Unless otherwise expressly stated, the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Any pertinent word or term not a part of this listing but vital to the interpretation of this ordinance shall be construed to have its usual legal meaning. Words used in the present tense include the future, the singular includes the plural, and the plural the singular. The word "lot" includes the word "plat". The word "used" includes "designed" or "intended" to be used. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement.

ABUTTING PROPERTY OWNERS - means official owners of record, whose property is contiguous to the subject property or any property which would touch, at any point, the subject property ignoring all rights-of-way, easements, alleys, and the like.

ACCESS - means the way over which traffic moves to or from the property abutting a street or alley and the way over which traffic moves to or from an arterial street to a collector street or from a street to an alley.

ALLEY - means a permanent public service right-of-way as secondary access to the side or rear of those properties when principal frontage is on some other right-of-way and is not intended for general traffic.

AREA - means the total area within the lot lines.

BASIC IMPROVEMENTS - means the installation of storm sewers, sanitary sewers, water supply lines, streets, curbs, gutters, and walks.

BLOCK - means a tract of land bounded on all sides by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, etc., or a combination thereof, whether partially or wholly occupied by buildings or containing only vacant lots.

BOND - means any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission or appropriate delegate.

BUILDING - means a structure having a roof supported by columns or walls, used or intended to be used, for the shelter or enclosure of persons, animals, or property.

BUILDING SETBACK LINES - means the lines indicating the minimum horizontal distance between the right-of-way of any street and the foundation of any building nearest the right-of-way of any street.

COMMISSION - means the Plan Commission of Newburgh, Indiana.

COMPREHENSIVE PLAN - means the complete plan as amended, or any of its parts, for the development of the Town, prepared by the Newburgh Plan Commission and adopted in accordance with IC 36-7-4-101, et.seq.

CUL-DE-SAC - means a local street with only one (1) outlet having an appropriate terminal for the safe and convenient reversal of traffic movement.

EASEMENT - means an authorization or grant by a property owner to specific persons or to the public to use land for specific purposes.

FLOOD HAZARD AREA - means any flood plain, floodway or floodway fringe district, or combination thereof.

FLOOD PLAIN - means the relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water as defined by FEMA. The flood plain includes the channel, floodway, and floodway fringe.

IMPROVEMENTS - means the installation of storm sewers, sanitary sewers, water supply lines, streets, curbs, gutters, gas lines, electrical lines, telephone lines, water lines, and sidewalks.

INTERESTED PARTIES - means those parties who are the owners of properties adjoining or abutting the proposed subdivision as shown on the plat.

LEGAL DRAIN - means an open ditch or a tiled ditch, or a combination of the two (2), which is subject to the jurisdiction and control of the Town of Newburgh.

LEGISLATIVE BODY - means the Town Council of Newburgh, Indiana.

LOCATION MAP - means a small inset map showing the location of a tract of land in relation to a larger area.

LOT - means the tract of land within a subdivision marked by the subdivider on the plat as a numbered, lettered or other identified tract of land to be offered for sale, dedication, or development, which is an identifiable parcel of land having frontage on a public street or right-of-way.

CORNER LOT - means a lot located at the intersection of two (2) or more streets, the interior angle of such intersections not exceeding 135 degrees.

DOUBLE FRONTAGE LOTS - means a lot other than a corner lot with frontage on more than one street or through lots abutting two (2) streets.

INTERIOR LOTS - means a lot with only one frontage on a street.

PARCELIZATION - means a division of land into two (2) or more lots, each lot with area greater than five (5) acres, and not involving any new street or other means of access.

PLANNED UNIT DEVELOPMENT - PUD - means a subdivision designed for residential, commercial or industrial use or a combination of all or any part of the above for the purpose of selling or leasing individual lots.

PLAT - means a map, drawing or chart upon which the subdivider's plan of the subdivision is presented and which is submitted for approval with intent to record in final form.

PRIMARY APPROVAL - means approval (or approved with conditions imposed) granted to a subdivision by the Plan Commission after having determined in a public hearing that the subdivision complies with this ordinance.

PRIMARY CHECKLIST - means a document provided by the Plan Commission staff which is necessary for the application for primary approval.

REGULATORY FLOOD - means the flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one hundred (100) year period. This flood is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year and is defined by FEMA.

REPLAT - means a change in a recorded subdivision plat if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line, except as otherwise exempted in this ordinance.

RIGHT-OF-WAY - means a strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

SECONDARY APPROVAL - means approval insuring that the plat reflects all terms, conditions, and commitments given by the subdivider or required by the Plan Commission at the hearing for primary approval.

SECONDARY CHECKLIST - means a document provided by the Plan Commission staff which is necessary for application for secondary approval.

STREET - means a thoroughfare within the right-of-way which affords the principal means of access to abutting property. A street may be designated an avenue, boulevard, drive, highway, land, parkway, place, road, court, or appropriate name. Streets are identified according to type of use, as follows:

ARTERIAL STREET - means a street which serves the major movement of traffic within or through a metropolitan area.

COLLECTOR STREET - means a street serving internal traffic movement and providing access to arterial streets.

CONTROLLED ACCESS STREET - means a road fully or partially controlled by public authority.

FULLY CONTROLLED - means a street where preference to through traffic is given by providing access connections with selected public roads only and by prohibiting crossings at grade.

PARTIALLY CONTROLLED - means a street where preference to through traffic is given, in addition to providing access connections with some crossings at grade.

HALF STREET - means a part of a street which is approximately equal to the remainder.

LOCAL STREET - means a street whose primary function is to provide access to immediately adjacent lands. It generally serves the residential and minor commercial areas of the community.

PARTIAL STREET - means a street which is , or will become, a part of a whole or complete street.

PRIVATE STREET - means a local street that is not dedicated or accepted for public use or maintenance, which provides vehicle and pedestrian access.

PUBLIC STREET - means a street dedicated, owned, and maintained by a public entity for the purpose of vehicle and pedestrian access.

ACCELERATION LANE - means an auxiliary lane constructed as part of the driveway which enables egressing vehicles to increase speed prior to entering the through traffic stream.

DECELERATION LANE - means an auxiliary lane constructed as part of the driveway which is used by ingressing vehicles to reduce speed prior to entering a site. The lane may also provide some deceleration vehicle storage.

FRONTAGE ROAD - means a through road auxiliary to and located adjacent to a public road for service to abutting property.

PASSING BLISTER - means an auxiliary lane constructed opposite of the driveway which enables through traffic to maneuver around vehicles turning left into a site.

SUBDIVIDER - means the person or persons who own all or any part of the real estate included within the plat at the time of the secondary approval of said plat.

SUBDIVISION - means any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plats, or interest for the purpose of offer, sale, lease, or development. Subdivision includes the division or development of residentially and non-residentially zoned land, whether by deed, metes and bounds description, or other recorded instruments.

MAJOR SUBDIVISION - means all subdivision not classified as minor subdivisions including, but not limited to, subdivisions of three (3) or more lots, or any size subdivision requiring any new street, or extension of local governmental facilities, or the creation of any public improvements.

MINOR SUBDIVISION - means any subdivision containing not more than two (2) lots fronting on, or having access to, an existing street, not including creating any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel for adjoining property, and not in conflict with any provision or portion of the Comprehensive plan, Thoroughfare Plan, Zoning Ordinance, or these regulations.

NONRESIDENTIAL SUBDIVISION - means a subdivision in which the intended use is other than residential, such as commercial or industrial.

SUBDIVISION REVIEW COMMITTEE - means a technical review committee established by the Plan Commission which may be appointed by the Plan Commission to assist with the technical evaluation of subdivisions and to make recommendations to the Plan Commission.

THOROUGHFARE PLAN - means a plan and maps established by the Town Council of the Town of Newburgh, Indiana pursuant to law as a portion of the Comprehensive Plan, showing the location of streets and roads, functionally classified public facilities, utilities, and describing future infrastructure. The plan is approved, adopted, and established by law, and any amendments or additions including those resulting from filing and approval of subdivision plats, are adopted by the Town Council of the Town of Newburgh, Indiana as a continuous updating of the plan.

131.02 - AUTHORITY; PURPOSE

This ordinance is enacted pursuant to the authority given under IC 36-7-4-700, et seq. by action of the Town Council of Newburgh, Indiana.

The purpose and intent of these regulations is to serve as a guideline encouraging the proper planning and development of subdivisions in order to:

- A. Protect and provide for the public health, safety and general welfare of Newburgh, Indiana;
- B. Guide the future growth and development of Newburgh, Indiana in accordance with the Comprehensive Plan;
- C. Provide for adequate light, air, and privacy, secure safety from fire, flood, and other dangers and to prevent overcrowding of land and undue congestion of population;
- D. Protect and conserve the value of land throughout Newburgh, Indiana and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings;
- E. Guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, and other public requirements and facilities;
- F. Establish reasonable standards of design and procedures for subdivisions, in order to further the orderly layout and use of land, and to insure proper legal descriptions and monumenting of subdivided land;
- G. Encourage the extension of public facilities to adequately serve the proposed subdivision;
- H. Prevent the pollution of air, streams, and ponds; to assure adequacy of drainage facilities; to safeguard the water tables; and to encourage the wise use and management of natural resources throughout Newburgh, Indiana to preserve the quality of life, integrity, stability, and beauty of the community and the value of the land.

131.03 - POLICY

It is hereby the policy of Newburgh to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Plan Commission for the orderly, planned, efficient, and economical development of Newburgh, and to require conformance with the Zoning Ordinance.

131.04 - ENFORCEMENTS, VIOLATIONS, PENALTIES

- A. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Plan Commission, in accordance with the provisions of these regulations, and filed with the County Recorder.

- B. The division of any lot or any parcel of land into a subdivision, as defined in this ordinance, by the use of metes and bounds description for the purpose of sale, transfer or lease resulting in the creation of one or more new building sites shall not be permitted, except as permitted hereunder. All such described divisions shall be subject to all of the appropriate requirements of this ordinance.
- C. No zoning use, improvement, location, or building permit shall be issued for any property subject to the provisions of this ordinance until the appropriate requirements are met and the approvals required by this ordinance are granted.
- D. Any person who violates the provision of this ordinance or any regulations herein contained shall be subject to a civil penalty of not more than Two Thousand Five Hundred Dollars (\$2,500.00) for each day's violation and injunctive relief to curtail the violation.

131.05 - PRE-APPLICATION CONSULTATION

- A. Prior to submission of the written application for subdivision approval, the subdivider should consult with the Plan Commission about the following factors:
 - 1. Suitability of the site for development;
 - 2. Proposed type of development;
 - 3. Accessibility of the site;
 - 4. Availability of public facilities and public services;
 - 5. The effect on the subdivision of any contemplated improvements by the proposals of any comprehensive plan and these regulations.
- B. After reaching conclusions informally about the proposed development and the objectives of this ordinance, the subdivider may proceed with the formal application for the proposed subdivision.

131.06 - APPLICATION FOR MINOR SUBDIVISION

- A. If the proposed subdivision does not involve the opening of a new public way, contains not more than two (2) lots, and complies in all other respects with this ordinance and the Zoning Ordinance, a person desiring the approval of a plat for a minor subdivision shall submit to the Plan Commission a completed minor checklist and fees hereinafter provided. The parcelization of land shall not be deemed a subdivision. The minor plat shall be presented to the Plan Commission for review, recommendations, and approval.
- B. Notice shall be given according to the provisions of IC 36-7-4-701(d).
- C. Minor Subdivision Checklist
 - 1. Name of subdivision and legal boundary description.

2. Location map of subdivision, north point and scale.
3. Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey in the field which has been balanced and closed, as well as physically located by monumentation.
4. Location and description of all monuments with references by distance and bearings to 1/4 section corners.
5. Length of lot lines and area of lots, angles at all points of deflection of all continuous lines, radii, arcs, and complete curve data for all horizontal curves.
6. All lots numbered or lettered and all roads and streets with approved names.
7. Public way widths, maximum grades, approximate curves and coordination of subdivision public ways with current and planned public ways within the subdivision.
8. Building setback of front yard lines and side yard lines for corner lots.
9. Thoroughfare setback lines, if applicable.
10. Contours shown at vertical intervals of two and one-half feet (2½') if the general slope of the site is less than two percent (2%), and at vertical intervals of five feet (5') if the general slope is greater than two percent (2%), as taken from available county, state, or federal maps.
11. 100 year flood contour line from the FIRM map, or statement that all areas are outside flood plan.
12. Extension of water, sewer and other municipal services.
13. Legally established function district if applicable.
14. Name of developer and/or owner, and land surveyor.
15. Zoning classification of subject property and of abutting property.
16. Names and addresses of abutting property owners.
17. Any existing buildings and their placement on the lots.
18. Detailed soil erosion control, sediment control and storm water management plan.
19. Location of all underground mines or surface strip mining activity or a statement that no underground or surface strip mining activity has occurred within the subdivision boundary.
20. Drainage easements designated with statement that no buildings, structures, fences, shrubs, or trees be placed in easements.

21. Seven (7) copies of proposed plat certified by a registered land surveyor or engineer, and by the owner (notarized), together with the certification for signature by the Plan Commission president.
- D. The minor plat shall be submitted to the Plan Commission in the form of an original tracing using black drawing ink on tracing cloth or mylar. "Stick-on" lettering or sheets are not acceptable. The plats may be prepared on paper using "stick-on" from which a permanent mylar is made. Ammonia process mylars are not acceptable. The standard size tracings shall be 24" x 36" using a scale of one inch (1") equals fifty feet (50'). Larger scales up to one inch (1") equals one hundred feet (100') may be used to accommodate large plat areas with the approval of the Plan Commission. For small plat areas, tracings may be prepared on 18" x 24" sheets using one inch (1") equals fifty feet (50').

131.07 - APPLICATION FOR PRIMARY APPROVAL - MAJOR SUBDIVISION

- A. A person desiring the approval of a plat or replat of land for a major subdivision shall submit to the Plan Commission a written application for approval, the completed primary checklist, and fees hereinafter provided. The plat shall include, but not be limited to, the provisions listed below. The primary plat shall be presented to the Plan Commission. The Plan Commission may request additional information.
- B. Major Subdivision Checklist:
1. Name of subdivision and legal boundary description.
 2. Location map of subdivision, north point and scale.
 3. Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey in the field which has been balanced and closed, as well as physically located by monumentation.
 4. Location and description of all monuments with references by distance and bearings to both 1/4 section corners as set out herein.
 5. Length of lot lines, minimum width, depth and area of all lots.
 6. All lots numbered or lettered and all roads and streets with approved names.
 7. Public way widths, maximum grades, approximate curves and coordination of subdivision public ways with current and planned public ways within the subdivision.
 8. Streets and alleys adjacent to the new subdivision with their names.
 9. Building set back and front yard lines and side yard lines for corner lots.
 10. Thoroughfare set back lines, if applicable.

11. Contours shown at vertical intervals of two and one-half feet (2½') if the general slope of the site is less than two percent (2%), and at the vertical intervals of five feet (5') if the general slope is greater than two percent (2%), as taken from available county, state or federal maps.
 12. 100 year flood contour line from the FIRM map, or statement that all areas are outside flood plain.
 13. Easements for water, sewer and other municipal services, if applicable.
 14. Legally established function district, if applicable.
 15. Name of developer and/or owner and land surveyor.
 16. Zoning classification of subject property.
 17. Names and addresses of abutting property owners.
 18. Any existing buildings and their placement on the lots.
 19. Location of all underground mines or surface strip mining activity or a statement that no underground or surface strip mining activity has occurred within the subdivision boundary.
 20. Parcels of land to be reserved for schools, parks, playgrounds or other public purposes.
 21. Location of all property that is dedicated for public use and all property that may be reserved by covenant for the common use of the property owners in the subdivision.
 22. Detailed erosion control, sediment control and storm water management plan.
 23. Drainage easements designated with statement that no buildings, structures, fences, shrubs, or trees be placed in easements.
 24. Ten (10) copies of proposed plat.
- C. The subdivider may be permitted to revise the primary plat to conform to agreed upon recommendations of the Plan Commission prior to the hearing before the Plan Commission if the Plan Commission is given sufficient time for review before the public hearing.
- D. The primary plat shall be submitted to the Plan Commission in the form of an original tracing using black drawing ink on tracing cloth or mylar. "Stick-on" lettering or sheets are not acceptable. The plats may be prepared on paper using "stick-on" from which a permanent mylar is made. Ammonia process mylars are not acceptable. The standard size tracings shall be 24" x 36" using a scale of one inch (1") equals fifty feet (50'). Larger scales up to one inch (1") equals one hundred feet (100') may be used to accommodate large plat areas with the approval of the Plan Commission. For small plat areas, tracings may be prepared on 18" x 24" sheets using one inch (1") equals fifty feet (50').

131.08 - FEE SCHEDULE

At the time of filing an application for subdivision approval the subdivider shall pay to the Clerk-Treasurer the fee provided for in this section.

A. Filing Fees

1. \$200.00 - Major subdivision plus \$25.00 for each lot or parcel of land contained within the boundaries of the subdivision.
2. \$100.00 - Minor Subdivision.
3. \$200.00 - Major Replat.
4. \$100.00 - Minor Replat.

The foregoing fees shall not apply to government agencies.

B. Legal Advertising

The cost of any advertisement or legal notice shall be paid for by the subdivider.

131.09 - NOTICE

The provisions of IC 36-7-4-700, et seq, requiring a specific method of notice or other procedure shall be adhered to at all times.

131.10 - HEARING BEFORE COMMISSION - PRIMARY APPROVAL

- A. The primary plat shall be presented at a public hearing to the Plan Commission for review and approval or disapproval.
- B. If the Plan Commission determines that the application and plat comply with the standards in the Subdivision Control Ordinance, it shall make written findings and a decision granting primary approval to the plat which shall be signed by the presiding member of the Plan Commission or the delegated authority.
- C. If the Plan Commission disapproves the plat, it shall make written findings, within ten days, that set forth its reasons and a decision denying primary approval, and shall provide the subdivider with a copy signed by the presiding member of the Plan Commission or the delegated authority.
- D. The Plan Commission may not impose any additional terms, conditions, or commitments after primary approval is given.

131.11 - NO HEARING BEFORE COMMISSION - SECONDARY APPROVAL

- A. The Plan Commission may grant secondary approval of a plat or replat under this ordinance or may delegate authority to the Presiding member to grant such secondary approval.
- B. No notice and hearing are required for secondary approval.
- C. The purpose of secondary approval is to insure that the plat reflects all terms, conditions, and commitments given by the subdivider or required by the Plan Commission at the hearing on primary approval.
- D. A plat of a subdivision may not be recorded in the office of the County Recorder unless it has been granted secondary approval and signed and certified by the presiding member of the Plan Commission.
- E. Secondary approval may be granted to a plat for a subdivision in which the basic improvements and installments have not been completed as required by this ordinance, if the subdivider provides a bond, or other proof of financial responsibility as prescribed by the Plan Commission, that:
 - 1. is an amount determined by the Plan Commission to be sufficient to complete the basic improvements and installations in compliance with the plat and drainage approval; and
 - 2. provides surety satisfactory to the Plan Commission.
- F. Any money received from the bond or otherwise shall be used only for making the improvements and installments for which the bond or other proof of financial responsibility is provided. The improvement or installation must conform to the standards provided for such improvements or installations by the Town of Newburgh, as well as the Subdivision Control Ordinance, drainage approval and street standards as adopted by the Town of Newburgh.
- G. The Plan Commission shall, by rule, prescribe the procedure for determining whether all basic improvements and installations have been constructed and completed as required by the Subdivision Control Ordinance. The rule must designate the person or persons responsible for making the determination.

A person desiring the secondary approval of a plat or replat of land for subdivision shall submit to the Plan Commission the plat of the proposed subdivision with the required certificates attached.

The following certificates shall be affixed to the plat before recording:

- 1. By the registered land surveyor to the effect that the plat represents a survey made by him that all monuments shown there on exist, and that their locations are as shown.
- 2. By the owner or owners, and any interest holder, a notarized statement that he is the owner of the land, and that the platting of the subdivision is his voluntary act and deed. The owner shall declare in this certificate by description or reference to the plat the purpose of all rights-of-way, easements, and other reservations shown on the plat.

3. By the Plan Commission, fixed with the seal of the Plan Commission, signed by the President or presiding officer of the Plan Commission, and attested to by the Secretary of the Plan Commission. The certificate shall disclose that proper public notice was given, and that a majority of the members of the Plan Commission concur in its approval.
 4. By the presiding officer of the Plan Commission to the County Recorder that the plat complies with the provisions of this Subdivision Ordinance.
 5. By the President of the Department of Storm Water Management certifying that a drainage plan has been approved.
 6. By the Town Council President certifying that all road construction plans conform to the current design standards adopted by the Town of Newburgh.
- H. Except as provided in subpart I. below, a plat or replat of a subdivision **MUST BE RECORDED** within eighteen (18) months of primary approval. Upon written request, the Plan Commission may extend the time limitation for one (1) year. If the subdivider fails to record, or seek an extension, within this time period, the approval given by the Plan Commission shall be null and void.
- I. Plats that have been granted primary approval after the adoption of this ordinance may be submitted for secondary approval in sections as deemed most advantageous by the subdivider with the approval of the Plan Commission. Additional sections may be submitted for secondary approval without repeating primary approval if they substantially conform to the geometrics of the original primary plat. The eighteen (18) month limit for recording the secondary plat is automatically renewed with the recording of any section of the approved primary plat.

The plat may be deemed to substantially conform to the primary plat if the geometrics of the secondary plat are substantially the same layout. The addition, removal, or alteration of street patterns, lot sizes, and total number of lots shall result in a resubmission of the plat for primary approval. The addition or removal of easements to accommodate utilities or drainage shall not constitute a substantial change in conformity.

131.12 - RECORDING OF THE PLAT

- A. A plat release fee shall be paid to the Plan Commission by the subdivider and must be paid before the primary plat with secondary approval is removed from the offices of the Plan Commission to be recorded.
1. \$50.00 - Major Subdivision plus \$10.00 for each lot or parcel of land contained within the boundaries of the secondary plat.
 2. \$10.00 - Minor Subdivision

The foregoing fees shall not apply to Government Agencies.

131.13 - UNRECORDED PLAT

Any plat which has been previously approved by the Plan Commission, but not recorded within eighteen (18) months of the passage of this ordinance is null and void, and must be resubmitted pursuant to the provisions of this chapter.

131.14 - PLANNED UNIT DEVELOPMENT

This ordinance also applies to the subdivision of a Planned Unit Development (PUD). However, the design and development of a PUD may deviate from the standards prescribed in this ordinance. A primary subdivision plat may be submitted to Plan Commission at the time of submission for PUD petition. Primary approval may be granted subject to proper zoning.

131.15 - GENERAL SUBDIVISION REQUIREMENTS: PURPOSE

It is the purpose of the general requirements of Sections 131.16 through 131.21 to assure the predetermined character and type of development of each subdivision.

131.16 - REQUIRED IMPROVEMENTS

A. Streets

1. Streets and alleys shall be constructed to grades shown on plans, profiles, and cross-sections prepared by a registered Land Surveyor and/or registered Professional Engineer and shall be approved by the Town Council who shall receive two (2) sets of plans as approved and shall inspect the construction of the streets and alley improvements.
2. Street names shall not be used which will duplicate or be confused with the names of existing or platted streets. Proposed streets in alignment with existing or platted streets shall bear the names of the existing or platted streets.
3. House numbers shall be assigned by the Plan Commission.
4. All real estate subdivisions shall be entitled to erect one double-faced sign or two single-faced signs at each entrance to the subdivision advertising the subdivision. Such signage shall not be illuminated.
5. Each sign erected shall be no larger than 32 square feet and shall extend no higher than 10 feet into the air. All such signs shall be placed so as not to interfere with sight lines for vehicles entering or leaving the subdivision at its intersection with a public street.
6. Any permitted sign shall be in place no longer than 18 months after primary plat approval, except, that the Zoning Administrator may grant further extensions of up to 12 months each upon application and good cause shown by the developer.

7. Subdivisions existing on the date of enactment of this Chapter which have more than 3 lots unsold shall be entitled to erect signage as detailed herein.
8. The developer shall cause to be installed street lights in conformance with the Town's standards for street lights. After installation, the cost of maintenance and operation of such lights shall be the responsibility of the Town.

B. Curbs, Gutters, and Sidewalks

The subdivider shall provide curbs and gutters for all streets within and bounding the subdivision, except where specifically waived by the Town Council.

The subdivider shall provide sidewalks for all streets within and bounding the subdivision.

1. Curbs and gutters shall conform to the standards adopted by the Town of Newburgh.
2. Sidewalks shall conform to the standards adopted by the Town of Newburgh.
3. In commercial and other congested areas, the Town Council may require sidewalks of greater width constructed adjacent to the curb.

C. Sewers

When there is an available sanitary sewer outlet or trunk line owned by the Newburgh Sewer Department, prior to the issuance of a building permit, the subdivider shall provide the subdivision with an ample sanitary sewer system connected to the approved sewer outlet or trunk lines. All new sewer systems in any area of special flood hazard need to be located and designed to avoid impairment from flooding. If there is not an available sanitary sewer outlet or trunk line, then the subdivider shall install such sewer line. The plans for installation of a sanitary sewer shall be prepared by the subdivider and approved by the Newburgh Sewer Department.

D. Water

When there is an available municipal or community water supply approved by the Indiana State Board of Health at the time of approval of the secondary plat, then the subdivider shall provide the subdivision with a complete water main system connected to said existing water system. All new water systems in any flood hazard area need to be located and designed to avoid impairment from flooding. If, prior to the issuance of a building permit, there is no available municipal or community water supply system for the subdivision, the subdivider shall provide a water supply system to each lot in the subdivision in accordance with minimum requirements of the Indiana State Board of Health.

E. Storm Drainage

The subdivider shall provide the subdivision with an adequate storm water system in accordance with plans and specifications prepared by the subdivider and approved by the Newburgh Department of Storm Water Management.

F. Monuments and Markers

Monuments and markers should be constructed to the following standard or be of other approved material.

1. Monument: Reinforced concrete or limestone, minimum size 4" x 4" x 30" or a bronze marker securely imbedded in concrete which extends below the frost line.
2. Markers: Iron pipe, minimum size 24" x 1/2", 3/4" diameter preferred, or iron or steel bars of same dimensions.

Monuments and markers must be so placed that the scored or marked point coincides exactly with the point of intersection of the lines being monumented.

G. Landscaping

All subdivisions shall provide street trees on all streets, with a minimum placement as indicated on the plat, pursuant to the Town's zoning ordinance.

1. Types of trees to be used for street placement should be selected from lists provided by the Town.
2. All required trees to be used shall be a minimum caliper of 2 1/2" upon planting and of a variety which shall attain an average mature spread greater than twenty feet (20').
3. All trees shall be planted behind any public rights-of-way not in any easement and shall not obscure any sight distances for traffic safety.
4. For Commercial subdivisions the following standards apply to parking areas:
 - a. Parking Lots:
 - 1) For the purposes of this subsection, a parking lot is defined as: An area not within a building or other structure where motor vehicles may be stored for the purpose of temporary, daily, or overnight off-street parking. A parking lot shall include such areas for the storage of automobiles, buses, trailers, trucks, and motorcycles which are stored, displayed, maintained, or serviced. Parking lots shall also encompass private ways built, used for driveways or accessways to such parking lots and areas.
 - 2) All parking lot landscaping shall be of such quality as to improve and enhance the site and its surrounding areas as required by the zoning ordinance.
 - 3) The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubbery, hedges, other planting material and earth berms may be used to complement the tree landscaping but shall not be the sole contribution to the landscaping.

- 4) In those instances where plant material exists on a parking lot site prior to its development, such landscape material may be used if approved as meeting the requirements of the zoning ordinance.
- 5) A landscape screen of not less than forty-two inches (42") nor more than seven feet (7') tall shall be provided along each side of a parking lot that is adjacent to a residential district or street, an existing recreation area, or the right-of-way of a designated street.
- 6) The interior of any parking lot containing twenty-five (25) or more spaces should be maintained with landscaping, including trees, in plots of at least six feet (6') in width. No more than thirty (30) parking stalls shall be continuous in a parking lot without separation by a landscaped area.

131.17 - ROADS, STREETS AND ALLEYS

- A. The road, street and alley design shall provide direct access to all lots and parcels of land within the subdivision and shall provide for continuity of arterial or collector roads and streets. The Plan Commission may require the extension of certain roads, streets, or alleys, to the exterior boundary of the subdivision and may require the subdivider to provide a partial right-of-way along an exterior boundary line to correspond to an existing public right-of-way on adjoining lands, or for the purpose of extending arterial or collector roads.
- B. Alleys may be required in a subdivision of land designated as commercial or industrial districts. Residential alleys are not recommended.
- C. The minimum width of rights-of-way shall be sixty feet (60'). A cul-de-sac shall terminate with an eighty foot (80') diameter circle for auto traffic and a one hundred foot (100') diameter circle in commercial or industrial subdivisions. The length of a street ending in a cul-de-sacs is limited to twelve hundred (1200) linear feet unless the Plan Commission determines that a longer length will not be detrimental to local traffic flow. Geometric designs for the turn-around other than a circle may be used at the terminus.
- D. Rights-of-way for alleys, when required by the Plan Commission in a commercial or industrial district, shall have a total width of twenty feet (20'). All others shall not be less than twelve feet (12').
- E. All roads and streets must conform to the Thoroughfare Plan.
- F. New half or partial streets are permitted only:
 1. where the subdivider obtains an agreement in writing to dedicate and improve as required the other half of the street when the adjoining property is subdivided, or
 2. where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations, or
 3. where needed to complete existing streets.

Where an existing street traverses or abuts the subdivision, the entire right-of-way required by these regulations, or as much as is possible within the subdivision, must be provided. The right-of-way must be measured from the center line of the existing roadway.

- G. Frontage roads separate local traffic from the higher speed through-traffic of major transportation arteries.

Frontage roads may also be required by the Plan Commission to be located outside the right-of-way of arterial roads and streets when the average daily traffic exceeds eight thousand (8,000) vehicles on two-lane roads and fifteen thousand (15,000) vehicles on four-lane roads and the speed limit exceeds forty (40) m.p.h., or when the number of curb cuts creates a traffic hazard or major flow impediment.

Design of frontage roads shall be based on providing access to the property, maintaining circulation of traffic within the subdivision, providing for parking requirements and surface drainage.

Design of curb or edge of pavement radii shall conform to the applicable standards adopted by the Town of Newburgh.

Minimum sight distance at intersections should be sufficient to avoid the hazard of a collision between a vehicle starting from a "stop" position and the vehicle approaching the intersection from the left or right.

- H. Conduit for the installation of cable television cable shall be installed by the developer.
- I. All street plans shall conform to the current design standards adopted by the Town of Newburgh. There shall be no private roads.

131.18 - BLOCKS AND LOTS

- A. The width of blocks should be sufficient to allow two tiers of lots. Blocks shall not exceed 660 feet in length unless the Plan Commission determines that a longer length will not be detrimental to local traffic flow.
- B. In any subdivision or part of a subdivision proposed for residential uses, the minimum width and area for lots shall conform to the requirements of the Zoning Ordinance.
1. All lots shall have access onto a public road.
 2. Building setback lines shall be established back of road and street right-of-way lines, at least to the extent prescribed for "front yards" in the Zoning Ordinance.
 3. All lots must be in compliance with the Thoroughfare Plan. Lots shall not be designed in such a manner that there would be insufficient area remaining to build on after building setback lines and thoroughfare setback lines are established in accordance with the Zoning Ordinance and the thoroughfare plan of the Town of Newburgh.
 4. Whenever possible, side lot lines shall be at right angles or radial to street lines.

- C. All streets intersecting a through (preferential) street should do so at right angles, or as nearly as is possible, and the intersection angle shall not be less than sixty degrees (60°).

131.21 - FLOOD CONTROL AND DRAINAGE

No plat shall be approved until drainage plans have been approved by the Department of Storm Water Management.

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