

SUBDIVISION CONTROL ORDINANCE
FOR THE TOWN OF WESTVILLE, INDIANA

ORDINANCE OF THE TOWN OF WESTVILLE

No. 84-A

WESTVILLE SUBDIVISION CONTROL ORDINANCE

AN ORDINANCE regulating the subdivision of land and the subsequent development of said land by establishing procedures, setting standards, and creating a uniform schedule of fees.

WHEREAS, the Board of Trustees of the Town of Westville find that the standards contained herein can improve the public health, safety, convenience, and welfare and aid in the future development of the Town of Westville; and,

WHEREAS, the Board of Trustees of the Town of Westville have the authority under IC 36-7-4-700 to establish standards for the subdivision of land.

NOW THEREFORE BE IT ORDAINED THAT:

1. It is hereby declared to be the policy of the Town of Westville to consider the subdivision of land and subsequent development of the subdivision plat as subject to the control of the Town.
2. The subdivision of land shall conform to all of the provisions as herein set forth.
3. This ordinance shall be in full force and effect on February 14, 1984.

BOARD OF TRUSTEES
WESTVILLE, INDIANA

Glenn Bitt
President

Oliver R. McConell

Jeff Mays
Harry Dmoore

Passed this 14 day of February, 1984.

Attested to: Patricia M. Tach
Clerk-Treasurer

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FOR THE TOWN OF WESTVILLE, INDIANA

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TITLE I

TITLE, AUTHORITY, POLICY, PURPOSE, AND JURISDICTION

1.10 TITLE

An ordinance for the development, through planning of the area within the jurisdiction of the Westville Plan Commission.

1.11 SHORT TITLE

This ordinance shall be known and shall be cited as "Westville Subdivision Control Ordinance".

1.20 AUTHORITY

1.21 Be it ordained by the Board of Trustees of the Town of Westville, Indiana, under authority of IC 36-7-4, and all acts amendatory thereto, General Assembly of the State of Indiana.

1.30 POLICY

1.31 It is hereby declared to be the policy of the town to consider the subdivision of land and the subsequent development of the subdivision plat as subject to the control of the town pursuant to the official master plan of the town for the orderly, efficient, and economical development of the town.

1.32 Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements, such as schools, parks, recreation facilities, transportation facilities, and improvements.

1.33 The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Westville Comprehensive Plan. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, Zoning Ordinances, Comprehensive Plan, Official Map and Land Use Plan, and capital budget and program of the Town of Westville.

1.40 PURPOSES

These regulations are adopted for the following purposes:

- 1.401 To protect and provide for the public health, safety, and general welfare of the town.
- 1.402 To guide the future growth and development of the town in accordance with the Comprehensive Plan.
- 1.403 To provide for adequate light, air and privacy; to secure safety from fire, flood, and other danger, and to prevent overcrowding of land and undue congestion of population.
- 1.404 To protect the character and the social and economic stability of the town and to encourage the orderly and beneficial development of the town.
- 1.405 To protect and conserve the value of land throughout the town and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- 1.406 To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- 1.407 To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the town, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- 1.408 To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- 1.409 To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

1.410 To encourage prevention of the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the town in order to preserve the integrity, stability, and beauty of the community and the value of the land.

1.411 To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the zoning ordinance of the town.

1.50 JURISDICTION

Hereafter no subdivision or resubdivision of any lot, tract or parcel of land shall be effected, nor shall any street, sanitary sewer, storm sewer, water main or other facility in connection therewith be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of the regulations herein set forth.

1.51 No lot in a subdivision shall be sold, nor shall a permit to erect, alter or repair any building upon land in a subdivision be issued, nor any building erected in a subdivision unless and until a subdivision plan has been approved and recorded, and until the improvements required by the town in connection therewith have either been constructed or guaranteed, as herein provided.

1.60 INTERPRETATION, CONFLICT, AND SEPARABILITY

1.61 In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

1.611 PUBLIC PROVISIONS

The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations conflict with restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

1.612 PRIVATE PROVISIONS

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Planning Commission in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

1.70 SEPARABILITY

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Board hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

TITLE II

DEFINITIONS

2.10 DEFINITION OF TERMS

- 2.101 ALLEY: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
- 2.102 APPLICANT: The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the land.
- 2.103 ASSESSOR'S OFFICE: Is the Assessor's Office of LaPorte County, Indiana.
- 2.104 BLOCK: Means an area that abuts a street and lies between two adjoining streets or barriers such as a railroad right-of-way or waterway.
- 2.105 BOARD: Is the Board of Trustees of the Town of Westville.
- 2.106 BOND: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Commission. All bonds shall be approved by the Commission wherever a bond is required by these regulations.
- 2.107 BUILDING: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.
- 2.108 BUILDING LINE: Means the line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line.
- 2.109 COMMISSION: The Town of Westville Plan Commission.
- 2.110 COMMISSION'S SEAL: Is the official seal of the Commission.
- 2.111 COMPREHENSIVE PLAN: The complete Plan or any of its parts for the development of Westville, prepared by the Commission and legally adopted.
- 2.112 CONSTRUCTION PLAN: The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in accordance with the requirements of the Commission as a condition of the approval of the plat.

- 2.113 COUNTY: County of LaPorte, Indiana.
- 2.114 CUL-DE-SAC (Court or Dead End Street): A short, street having one end open to traffic and being permanently terminated by a vehicle turn-around.
- 2.115 DEVELOPER: Any person engaged in developing or improving a lot or group of lots or structures thereon for use or occupancy.
- 2.116 EASEMENT: A grant by the property owner of the use of a strip of land by the public, a corporation, or persons, for specified purposes.
- 2.117 FEASIBILITY STUDY: Is a written report prepared by a Registered Engineer or Registered land Surveyor pertaining to the suitability of the site for various types of water and sewer systems; for drainage retention/detention or disbursement; and the sub-soil conditions for various methods of street construction.
- 2.118 FEDERAL INSURANCE ADMINISTRATION: Is, for the purpose of this ordinance, the administrative office of the National Flood Insurance Program.
- 2.119 FLOOR HAZARD AREA: Is that portion of a flood plain which is not adequately protected from flooding by means of dikes, levees, reservoirs, or other works approved by the Department of Natural Resources.
- 2.120 FLOOD PLAIN: Is the area adjoining a river or stream which has been or which may hereafter be flooded, and is so designated by the Federal Insurance Administration and/or the Department of Natural Resources.
- 2.121 FRONTAGE: That side of a lot abutting on a street and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.
- 2.122 GRADE: The slope of a road, street, or other public way, specified in percentage (%) terms.
- 2.123 HEALTH DEPARTMENT AND HEALTH OFFICER: The LaPorte County Board of Health.
- 2.124 HIGHWAY, LIMITED ACCESS: A freeway, or expressway, providing a trafficway for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

- 2.125 INDIVIDUAL SEWAGE DISPOSAL SYSTEM: A septic tank, seepage tile sewage disposal system or any other approved sewage treatment device approved by variance only.
- 2.126 JURISDICTION OF THE COMMISSION: The incorporated area of the Town of Westville, Indiana.
- 2.127 LOT: A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or development.
- 2.128 LOT, DOUBLE FRONTAGE: Is a lot, other than a corner lot, which fronts on two streets.
- 2.129 NATURAL RESOURCES, DEPARTMENT OF: Is the Department of Natural Resources of the State of Indiana.
- 2.130 NON-ACCESS EASEMENT: Is a public easement along a public right-of-way across which access to the property is not permitted.
- 2.131 OFFICIAL 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.
- 2.132 OWNER: Is any individual, firm, association, syndicate, co-partnership or corporation, having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.
- 2.133 PERIMETER STREET: Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.
- 2.134 PERSON: Includes a corporation, firm, partnership, association, organization, or any other group that acts as a unit.
- 2.135 PRIMARY PLAT: The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval.
- 2.136 PLAT: A map or chart indicating the subdivisions or re-subdivision of land, intended to be filed for record.

- 2.137 PRIVATE DRIVE: A right-of-way which has the characteristics of a street, as defined herein, except that it is not dedicated to the public use. A driveway which is located on a lot and which serves only the use on that lot is not considered a private drive.
- 2.138 PRIVATE SEWER: Is a disposal system which is not constructed, installed, maintained, operated or owned by a municipality, or a taxing district established for that purpose approved by variance only.
- 2.139 PRIVATE WATER: Is a water supply system which is not constructed, installed, maintained, operated or owned by a municipality, taxing district established for that purpose or a utility under the jurisdiction of the Public Services Commission of Indiana.
- 2.140 PUBLIC FACILITIES PLAN: The part of the Comprehensive Plan, now or hereafter adopted, which shows the locations of existing and proposed school and park or recreational sites.
- 2.141 PUBLIC IMPROVEMENT: Any drainage ditch, roadway, parkway, sidewalk, pedestrianway, tree lawn, offstreet parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
- 2.142 PUBLIC SEWER: Is a sewage disposal system which is constructed, installed, maintained, operated and owned by a municipality or taxing district established for that purpose.
- 2.143 PUBLIC UTILITY: Is a firm, corporation, municipal department or board duly authorized to furnish or furnishing under regulation to the public; electricity, gas, steam, communication (including CATV), transportation, drainage, sewer or water.
- 2.144 PUBLIC WATER: Is a water supply system which is constructed, installed, maintained, operated and owned by a municipality, taxing district established for that purpose or a utility under the jurisdiction of the Public Service Commission of Indiana.
- 2.145 RECORDER'S OFFICE: Is the Recorder's Office of LaPorte County, Indiana.
- 2.146 REGULATORY FLOOD: Is the 100-year flood as designated by the Federal Insurance Administration.

- 2.147 RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a secondary plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
- 2.148 SETBACK LINE: A line established by the Zoning Ordinance, generally parallel with and measured from the lot line (property line), other than a permitted accessory building or structure may be located above ground, except as may be provided in said ordinance.
- 2.149 SEWAGE DISPOSAL REPORT: Is a study report on the suitability of the soil for on lot septic system, based on a mechanical analysis or soil classification or other methods as determined acceptable by the Commission.
- 2.150 SKETCH PLAT: A sketch preparatory to the preparation of the primary plat to enable the subdivider to save time and expense in reaching general agreement with the Commission as to the form of the plat and objectives of these regulations prior to filing a primary plat.
- 2.151 STAFF: The Building Commissioner.
- 2.152 STANDARDS: Is a specific and detailed listing of materials and construction methods for subdivision improvements and standards of construction and design, as adopted by the Board (IC 36-7-4-702).
- 2.153 STREET (Road): 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 abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name.
- 2.154 STREETS, MAJOR:
- (a) ARTERIAL: Is any roadway that provides for through traffic movements between areas within the county and through the county.

- (b) LOCAL: Is any roadway, the primary function of which is to provide direct access to residential, commercial, industrial, or other abutting real estate.
 - (c) CUL-DE-SAC: Is a dead-end street permanently terminated by a vehicle turn around.
 - (d) LOOP STREET: Is any street which has its origin and termination point with the same street and forms a loop or "U" of various shapes or proportions.
 - (e) SERVICE ROAD: Is a minor road which is parallel and adjacent to a thoroughfare, and which provides access to abutting properties and protection from through traffic.
- 2.156 SUBCONTRACTOR: Is a person, firm, or corporation hired by the subdivider.
- 2.157 SUBDIVIDER: Any person engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in this ordinance.
- 2.158 SUBDIVISION: The division of any parcel of land shown as a unit, as part of a unit, or as contiguous units on the last preceding transfer of ownership thereof, into two or more parcels, sites, or lots, any one of which is less than two (2) acres in area, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or petition of land into parcels of more than two (2) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall not be considered a subdivision; or,
- The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the subdivision and allocation of land as streets or other open spaces for common use by owners, occupants or leaseholders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public utilities and facilities.
- 2.159 ZONING ORDINANCE: The part of the Comprehensive Plan, now or hereafter adopted, which includes an ordinance and zone maps which divide the jurisdiction of the Commission into districts, with regulations and requirements and procedures for the establishment of the land use controls.

2.20 USAGE

- 2.21 For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.
- 2.22 Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations".
- 2.23 A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

TITLE III

SUBDIVISION CONTROL

3.00 ESTABLISHMENT OF CONTROL

No plat or replat of a subdivision of land located within the jurisdiction of the Commission shall be recorded until it shall have been approved by the Commission, and such approval shall have been entered in writing on the plat by the officials so designated by this Ordinance (IC 36-7-4-710(d)).

3.10 GENERAL PROCEDURE

Whenever any subdivision of land lying within the jurisdiction of the Commission is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure (See Exhibit "A"):

1. Application (IC 36-7-4-703)
2. Staff Review (IC 36-7-4-705)
3. Plan Commission: Primary Approval (IC 36-7-4-707 (a))
4. Staff Action: Secondary Approval (IC 36-7-4-710 (a))

A subdivider shall submit a written application therefore to the Commission. Such application shall be accompanied by the information, requirements, and plans set forth in Title III of this Ordinance.

3.20 SKETCH PLAT

Prior to the submission of a subdivision, the subdivider is encouraged to meet with the Plan Commission. The intent is to create an understanding between the subdivider and the Plan Commission which may help alleviate future misunderstandings and revision. This meeting would allow the subdivider to inform the Plan Commission of the nature of the proposed subdivision. Conversely it affords the Plan Commission the opportunity to acquaint the subdivider with the procedure for approval and inform him of potential problems between the proposed design and the requirements outlined in the Ordinance. The subdivider may present a rough sketch plat of the proposed subdivision to the Plan Commission.

The sketch plat may be especially useful to a subdivider who has a project which is unusually large and complex.

3.30 APPLICATION FOR PRIMARY APPROVAL (Step 1)

The subdivider, desiring to subdivide a parcel of land, shall apply for approval of a plat to the Westville Plan Commission.

- 3.301 The written application shall be accompanied by a certified check or money order in the amount set by the Commission and published in Title VI of this Ordinance.
- 3.302 At the time of application a minimum of three (3) copies of the location map, primary plat, and associated reports shall be filed. (See Section 3.70).
- 3.303 At the time of application three (3) copies of the legal description of the property shall be filed.
- 3.304 At the time of application three (3) copies of the petition to the Plan Commission requesting primary approval of the plat shall be filed.

3.40 STAFF REVIEW (Step 2)

Following the submission of an application for the primary approval of a plat, the application shall be reviewed by the Building Commissioner in accordance with IC 36-7-4-705.

- 3.401 Within thirty (30) days after receipt of an application the Building Commissioner shall review said request for technical conformity with the requirements as set forth in the Ordinance.
- 3.402 Within thirty (30) days after receipt, the Building Commissioner shall set a date for a hearing before the Commission. In accordance with IC 36-7-4-706 the Building Commissioner shall take the following actions:
 - 3.4021 Notify the applicant in writing of the hearing date.
 - 3.4022 Give notice of the hearing by publication in a newspaper of general circulation in accordance with IC 5-3-1.
 - 3.4023 Provide that due notice is given to interested parties at least ten (10) days before the date set for the hearing. The manner in which this shall be accomplished is set forth in Title V Rules of Practice and Procedure of the Westville Plan Commission.

3.50 PLAN COMMISSION: PRIMARY APPROVAL (Step 3)

The Commission shall review the request for primary approval of a subdivision plat at a public hearing during its regularly scheduled meeting.

3.501 PRIMARY APPROVAL:

The Commission may grant primary approval to a subdivision in accordance with IC 36-7-4-707(a). If it grants primary approval, the Commission shall take the following actions:

- 3.5011 Make written findings of fact and a decision granting primary approval to the plat;
- 3.5012 The decision shall be signed by the official designated in this Ordinance;
- 3.5013 At the public hearing, the Commission shall, if necessary, require that a bond be posted by the applicant, which shall:
 - a. Run to the Town Board of Trustees of Westville, Indiana;
 - b. Be in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with this Ordinance;
 - c. Be with surety satisfactory to the Commission; and,
 - d. Specify the time for the completion of the improvements and installations.

3.502 PRIMARY DISAPPROVAL

If the Commission disapproves a primary plat, it shall prepare written findings that set forth its reasons and a decision denying primary approval and provide the applicant with a copy.

The decision shall be signed by the official designated in this Ordinance.

3.60 STAFF ACTION: SECONDARY APPROVAL (Step 4)

Upon receiving primary approval, the subdivider shall prepare and submit a plat to the Building Commissioner for secondary approval (IC 36-7-4-710(a)).

- 3.601 Secondary approval shall be granted only after it has been determined that all improvements and installations have been constructed and completed as required in this Ordinance or that a bond for said improvements and installations has been posted.
- 3.602 Prior to receiving secondary approval, the secondary plat must be signed by the Board granting their acceptance of the dedication of any new public right-of-ways indicated on the plat.
- 3.603 The secondary plat must be signed by the officials designated by this Ordinance prior to being recorded.

3.70 PRIMARY PLAT REQUIREMENTS

The owner or subdivider shall provide a primary plat for the subdivision which shall show the manner in which the proposed subdivision is coordinated with the Master Plan and its provisions, specifically with relation to the requirements of the Official Thoroughfare Plan; school and recreational sites; shopping centers; community facilities; sanitation, water supply and drainage, and other developments, existing and proposed, in the vicinity; provided, however, that no land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider, or such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of possible residents and the community as a whole.

3.71 LOCATION MAP

The subdivider shall provide a location map (which may be prepared by indicating the site by notations on available maps or on the primary plat) showing the following:

- 3.711 Subdivision name and location.
- 3.712 Any thoroughfares related to the subdivision.
- 3.713 Physical features such as wooded areas, swamps, wetlands, and marshes.
- 3.714 Future access plans of the entire property which is being subdivided.
- 3.715 Existing elementary and high schools, parks and playgrounds serving the area proposed to be subdivided, and other community facilities.

3.716 Title, scale, north point and date.

3.717 Location of any existing recorded subdivision plats on adjacent property.

3.72 PLAN AND PROFILE

A detailed tentative plan and profile of all proposed roads and drainage improvements showing the layout and gradients (exaggerated scale) shall be filed along with the primary plat.

3.73 WATER SUPPLY AND SEWAGE DISPOSAL REPORT

The subdivider shall provide a water supply and sewage disposal report showing the following information. (Most, if not all the information required may be included upon the location map or primary plat if practical.)

3.731 Distance and location of existing public sewer and water mains if such facilities exist within a five (5) mile radius of the proposed subdivision.

3.732 Soil Conservation Service soil information with soil boundaries, soil identification codes and soil names, clearly marked on the primary plat.

3.733 Types of water supply to be used, public or private systems.

3.734 Types of sewage disposal systems to be used, public or private systems and variance approval.

3.74 WATERSHED MAP

The subdivider shall provide a watershed map showing the following information (most if not all the information included may be incorporated in the location map or primary plat if practical).

3.741 Location of subdivision within the watershed.

3.742 Intermediate streams, drainage courses and reaches within the total watershed.

3.743 Delineation of the watershed flowing into the proposed subdivision and the number of acres within the watershed.

3.744 Delineation of the watershed flowing out of the proposed subdivision and the number of acres within the watershed.

3.745 Flood plains and floodways as shown on maps published by the Federal Insurance Administration.

3.7451 If the subdivision falls within a designated flood hazard area, the Building Commissioner shall forward the proposal to the Department of Natural Resources for their review and comment. The Building Commissioner shall review the proposal to assure that it is consistent with the need to minimize flood hazards; all public utilities and facilities are located, elevated and constructed so as to minimize or alleviate flood damage; and adequate drainage is provided so as to reduce exposure to flood hazards. The Registered Land Surveyor preparing the subdivision shall certify compliance to the National Flood Insurance Program.

3.75 URBAN DRAIN

When considering the primary plat the Commission may require the subdivider to submit a drainage plan and petition the LaPorte County Drainage Board to include said subdivision as an "Urban Drain" as specified in the 1965 Indiana Drainage Code, Chapter 305, Acts of 1965 as amended. No subdivision which has been required to petition the Drainage Board for inclusion as an "Urban Drain" shall receive a public hearing without a letter from the County Surveyor to the Commission stating that said petition has been filed.

3.76 PRIMARY PLAT

The subdivider shall provide a primary plat showing:

- 3.7601 Proposed name of the subdivision.
- 3.7602 Names and addresses of the owner, subdivider and the engineer or surveyor, who prepared the plan.
- 3.7603 Layouts of lots, showing dimensions and numbers.
- 3.7604 Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes.
- 3.7605 Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of five (5) feet if the general slope is greater than ten percent (10%).
- 3.7606 Tract boundary lines showing dimensions, bearing, angles, and references to section, township and range lines or corners.
- 3.7607 Building setback or front yard lines.

- 3.7608 Legend and notes.
- 3.7609 Other features or conditions which would affect the subdivision favorably or adversely.
- 3.7610 Scale, north point and date. The primary plat of the subdivision shall be drawn to a scale of fifty feet (50') to one inch (1"); or one hundred feet (100') to one inch (1"); provided, however, that if the resulting drawing would be over thirty-six inches (36') in shortest dimension, a scale as recommended by the Commission may be used.
- 3.7611 A description of the protective covenants or private restrictions to be incorporated in the plat of the subdivision.
- 3.7612 Statement that all disturbed areas including, but not limited to, road shoulders, retention ponds and retention dikes shall be stabilized.

3.80 SECONDARY PLAT REQUIREMENTS

In order to obtain secondary approval the subdivider must present a plat containing the following information to the Commission:

- 3.81 The original drawing of the secondary plat of the subdivision shall be drawn to a scale of fifty (50) feet to one (1) inch, provided that if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used. Three black or blue line prints shall be submitted with the original plat, or in order to conform to modern drafting and reproduction methods, three black line prints and a reproducible print shall be submitted. In addition, three black or blue line prints of the plan and profile of the roads and drainage improvements shall be submitted with the original plan and profile sheets(s).
- 3.82 The following basic information shall be shown on the drawing:
 - 3.8201 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 ten thousand (10,000) feet.
 - 3.8202 Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plat.

- 3.8203 Accurage locations of all existing and recorded streets intersecting the boundaries of the tract.
- 3.8204 Accurage metes and bounds description of the boundary.
- 3.8205 Source of title of the applicant to the land as shown by the last entry in the books of the County Recorder.
- 3.8206 Street names.
- 3.8207 Complete curve notes for all curves included in the plan.
- 3.8208 Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley and lot lines.
- 3.8209 Lot numbers and dimensions.
- 3.8210 Accurate locations of easements for utilities and any limitations on such easements.
- 3.8211 Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use and/or retention ponds or dikes.
- 3.8212 Building setback or front yard lines and dimensions.
- 3.8213 Locations, type, material and size of all monuments and lot markers.
- 3.8214 Plans and specifications for the improvements and lot markers.
- 3,8215 Restrictions of all types which will run with the land and become covenants in the deeds for lots.
- 3.8216 Name of the subdivision.
- 3.8217 Name and address of the owner and subdivider.
- 3.8218 North point, scale and date.
- 3.8219 Certification by a registered professional engineer or registered land surveyor.
- 3.8220 Certification of dedication of streets and other public property.
- 3.8221 Certificates for approval by the Commission.

3.8222 Certificate of approval by the Board whenever new public right-of-ways are established.

3.8223 Notice that all disturbed lands will be stabilized.

3.83 PLAN AND PROFILE

A detailed final plan and profile of all proposed roads and drainage improvements showing the layout and gradients (exaggerated scale) shall be filed along with the secondary plat with the Commission.

3.84 CERTIFICATES

The secondary plat shall contain the following certificates:

3.841 COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY IC 36-7-4 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY THE BOARD OF THE TOWN OF WESTVILLE, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE TOWN OF WESTVILLE.

Approved by the Westville Plan Commission on:

_____, 19__.

WESTVILLE PLAN COMMISSION

Signature_____

Signature_____

SEAL

3.842 ENGINEERS CERTIFICATE

"I, _____, HEREBY CERTIFY THAT I AM A PROFESSIONAL ENGINEER (OR A REGISTERED LAND SURVEYOR), LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME ON _____, THAT ALL THE MONUMENTS SHOWN THEREON WILL BE INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ORDINANCE, AND THAT THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE ACCURATELY SHOWN.

SEAL

Signature

3.843 DEED OF DEDICATION

Each secondary plat submitted to the Commission for approval shall carry a deed of dedication in substantially the following form:

"WE, THE UNDERSIGNED _____, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO THEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS _____, AN ADDITION TO _____ ALL STREETS AND ALLEYS SHOWN AND NOT HERETOFORE DEDICATED, ARE HEREBY DEDICATED TO THE PUBLIC.

FRONT AND SIDE YARD BUILDING LINES ARE HEREBY ESTABLISHED AS SHOWN ON THIS PLAT, BETWEEN WHICH LINES AND THE PROPERTY LINES OF THE STREET, THERE SHALL BE ERECTED OR MAINTAINED NO BUILDING OR STRUCTURE.

THERE ARE STRIPS OF GROUND _____ FEET IN WIDTH AS SHOWN ON THIS PLAT AND MARKED "EASEMENT", RESERVED FOR THE USE OF PUBLIC UTILITIES FOR THE INSTALLATION OF WATER AND SEWER MAINS, SURFACE DRAINAGE, POLES, DUCTS, LINES AND WIRES, SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENT HEREIN RESERVED. NO PERMANENT OR OTHER STRUCTURES ARE TO BE ERECTED OR MAINTAINED UPON SAID STRIPS OF LAND, BUT OWNERS OF LOTS IN THIS SUBDIVISION SHALL TAKE THEIR TITLES SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES.

(ADDITIONAL DEDICATIONS AND PROTECTIVE COVENANTS, OR PRIVATE RESTRICTIONS, WOULD BE INSERTED HERE UPON THE SUBDIVIDER'S INITIATIVE OR UPON THE RECOMMENDATION OF THE COMMISSION. IMPORTANT PROVISIONS ARE THOSE SPECIFYING THE USE TO BE MADE OF THE PROPERTY AND, IN THE CASE OF RESIDENTIAL USE, THE MINIMUM HABITABLE FLOOR AREA.)

THE FOREGOING COVENANTS, (OR RESTRICTIONS) ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM UNTIL JANUARY 1, 19__, (A TWENTY-FIVE (25) YEAR PERIOD IS SUGGESTED), AT WHICH TIME SAID COVENANTS, (OR RESTRICTIONS), SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS CHANGED BY VOTE OF A MAJORITY OF THE THEN OWNERS OF THE BUILDING SITES COVERED BY THESE COVENANTS OR RESTRICTIONS, IN WHOLE OR IN PART. INVALIDATION OF ANY ONE OF THE FOREGOING COVENANTS OR RESTRICTIONS, BY JUDGMENT OR COURT ORDER SHALL IN NO WAY AFFECT ANY OF THE OTHER COVENANTS OR RESTRICTIONS, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

WITNESS OUR HANDS AND SEALS THIS _____ DAY OF _____, 19__.

STATE OF INDIANA)
COUNTY OF LAPORTE)

SS:

Signature

Signature

BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE, PERSONALLY APPEARED _____

AND EACH SEPARATELY AND SEVERALLY ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS OR HER VOLUNTARY ACT AND DEED, FOR THE PURPOSE THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 19__.

Signature

3.844 TOWN BOARD CERTIFICATE

(Required whenever a new public right-of-way is established)

UNDER AUTHORITY PROVIDED BY CHAPTER 47, ACTS OF 1951, OF THE GENERAL ASSEMBLY, OF THE STATE OF INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE TOWN OF WESTVILLE, INDIANA, AT A MEETING HELD ON THE _____ DAY OF _____, 19____.

TOWN BOARD OF WESTVILLE,
INDIANA

Signature

Signature

Signature

3.85 INDUSTRIAL AND COMMERCIAL SUBDIVISIONS

A subdivision of property for industrial or commercial uses shall follow the same procedure as outlined in this Ordinance for residential subdivisions. It shall, however, follow the standards for lot size, setbacks, etc., as required by the Westville Zoning Ordinance.

TITLE IV
PRINCIPLES AND STANDARDS OF DESIGN

4.00 GENERAL

The subdivision plan shall conform to the following principles and standards of design in order to qualify for primary approval (IC 36-7-4-702).

4.10 PRINCIPLES

4.11 STREETS

- 4.1101 The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created.
- 4.1102 Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
- 4.1103 Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
- 4.1104 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.
- 4.1105 Widths of primary, secondary and feeder streets shall conform to the width specified in the Thoroughfare Plan.
- 4.1106 The minimum right-of-way of residential streets, marginal access streets or culs-de-sac, shall be fifty (50) feet. All culs-de-sac shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet, or other arrangement for the turning of all vehicles conveniently within the right-of-way.
- 4.1107 Alleys shall be discouraged in residential districts but should be included in commercial and industrial areas where needed for loading and unloading or access purposes, and where platted shall be at least twenty (20) feet in width.

- 4.1108 The center lines of streets should intersect as nearly at right angles as possible.
- 4.1109 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.
- 4.1110 At intersections of streets the property line corners shall be rounded by arcs with radii of not less than twenty-five (25) feet, or by chords of such arcs.
- 4.1111 If the smaller angle of intersection of two (2) streets is less than sixty (60) degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Commission.
- 4.1112 Intersections of more than two (2) streets at one point shall be avoided.
- 4.1113 Where parkways or special types of streets are involved, the Commission may apply special standards to be followed in their design.
- 4.1114 Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way, a street, or a highway designated as a "limited access street or highway" by the appropriate authorities, provision shall be made for a service road at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.
- 4.1115 Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center lines as follows:
- a) Primary and secondary streets: five hundred (500) feet.
 - b) Feeder streets and parkways: three hundred (300) feet.
 - c) Residential streets: one hundred fifty (150) feet.
- 4.1116 Curvature measured along the center line shall have a minimum radius as follows:
- a) Primary and secondary streets: five hundred (500) feet.

- b) Feeder parkways: three hundred (300) feet.
 - c) Residential streets: two hundred (200) feet.
- 4.1117 Between reversed curves on primary and secondary 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.
- 4.1118 Maximum grades for streets shall be as follows:
- a) Primary and secondary streets, no greater than six percent (6%).
 - b) Feeder and residential streets and alleys, not greater than eight percent (8%).
- 4.1119 The minimum grade of any street gutter shall not be less than three-tenths percent (0.3%).
- 4.12 BLOCKS
- 4.121 Blocks should not exceed twelve hundred fifty (1250) feet in length.
- 4.122 Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth except where an interior street parallels a limited access highway or primary street or a railroad right-of-way.
- 4.13 LOTS
- 4.131 All lots shall abut on a street or a place.
- 4.132 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.
- 4.133 Double frontage lots should not be platted, except that, where desired along federal arterial and state arterial highways and primary streets, lots may face on an interior street and back on such thoroughfares. In that event a planting strip for a screen, at least twenty (20) feet in width, shall be provided along the back of each lot.
- 4.134 Widths and areas of lots shall be not less than that provided in the Westville Zoning Ordinance for single-family dwellings for the district in which the subdivision is located, except that when a water main

supply system or a sanitary sewer system are not available, the lot area necessary to install a private water supply or private sewage disposal on the lot in accordance with the State Board of Health regulations shall become the required minimum lot area.

4.135 The depth-to-width ratio of the usable area of a lot shall be a maximum of 3 to 1.

4.136 Wherever possible, unit shopping centers, based upon sound development standards, should be designed in contrast to the platting of lots for individual commercial use.

4.137 Corner residential lots shall be wider than normal in order to permit appropriate setbacks from both streets.

4.14 EASEMENTS

Where alleys are not provided, easements for utilities shall be provided. Such easements shall have minimum widths of twelve (12) feet, and where located along lot lines, one-half the width shall be taken from each lot. Before determining the location of easements the plan shall be discussed with the local public utility companies to assure their proper placing for the installation of such services.

4.15 BUILDING LINE

Shall be as provided in the Zoning Ordinance, Westville Indiana.

4.16 PUBLIC OPEN SPACES

Where sites for parks, schools, playgrounds, retention ponds or lakes and dikes, or other public uses are located within the subdivision area as shown on the Master Plan, the Commission may request their dedication for such purposes, or their reservation for a period of one year following the date of the secondary approval of the plat. In the event a governmental 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.

4.20 STANDARDS OF IMPROVEMENTS

The improvement of the subdivision shall conform to the following standards:

4.21 MONUMENTS OR MARKERS

4.212 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.

4.213 Monuments shall be set:

- a) At the intersection of all lines forming angles in the boundary of the subdivision.
- b) At the intersection of street property lines.

4.214 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.

4.215 Monuments shall be of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of four (4) inches by four (4) inches by thirty (30) inches. They shall be marked on top with an iron or copper dowel set flush with the top of the monument or deeply scored on top with a cross. Markers shall consist of iron pipes or steel bars at least thirty (30) inches long, and not less than one-half inch ($\frac{1}{2}$ ") in diameter.

4.22 STREETS

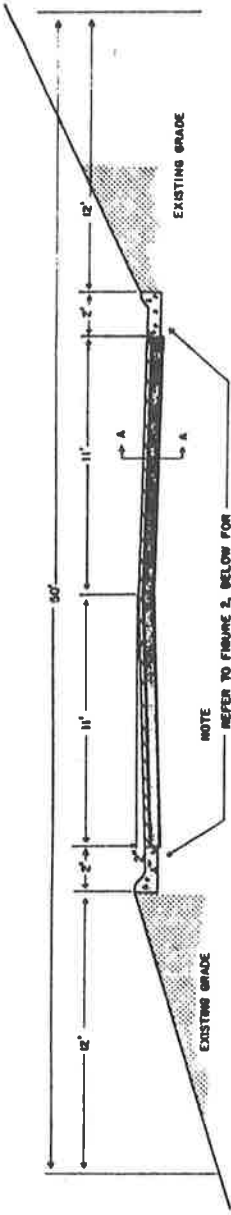
4.221 Streets (and alleys where provided) shall be completed to grades shown on plans, profiles, and cross-sections, provided by the subdivider, and prepared by a registered professional engineer or registered land surveyor and approved by the Board.

4.222 The streets shall be graded, surfaced and improved to the dimensions required by such plans, profiles and cross-sections and the work shall be performed in the manner prescribed in "Standard Specifications for Road and Bridge Construction and Maintenance" (current issue) of the State Highway Commission of Indiana. References in the following paragraphs refer to the S.H.C. of I. Standard Specifications.

- 4.223 The street surface shall be of portland cement, concrete or a flexible pavement of a width as shown on Plate 1, Minimum Standards for Highways in All Subdivisions as required by the Plan Commission of Westville, Indiana, and shall be constructed equal to those standards given below:
- 4.2231 DESIGN CHARACTERISTICS OF STREET & ALLEY PAVEMENTS
(See Table 1)
- 4.2232 AGGREGATE BASE SPECIFICATIONS
(See Table 2)
- 4.224 Prior to placing the street and alley surfaces, adequate subsurface drainage for the street shall be provided by the subdivider. Subsurface drainage pipe, when required, shall be 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 improvements, plans and profiles as built shall be filed with the Commission.
- 4.225 Inspection of the construction of all roads shall be made by the Building Commissioner. Three inspections shall be made: after the base is in place, after the two inch (2") binder course is in place, and after the one inch (1") surface course is in place.
- 4.226 Acceptance of the roads and improvements by the Board requires a letter of recommendation signed by the Building Commissioner to the Commission and subsequent notification of the Board by the Commission that all roads and improvements have been completed in accordance with the requirements of this Ordinance.

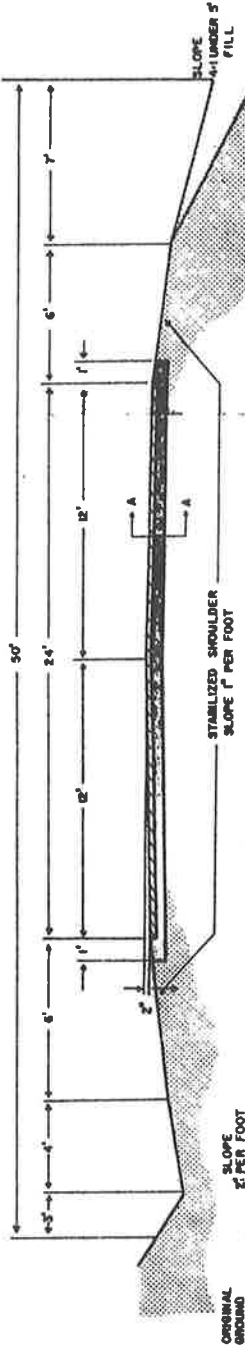
MINIMUM STANDARDS FOR HIGHWAYS IN ALL SUBDIVISIONS AS REQUIRED BY THE PLAN COMMISSION OF LAPORTE COUNTY, INDIANA

Soil Name	CBR	Soil Name	CBR
ADRIAN	0	PALMS	0
BLOUNT	4	PEWAMO	3
BOURBON	7	PENROCK	5
BURNS	15	QUINN	5
CHEEKSTOWN	5	RIDDLES	4
CHELSEA	13	RINER	5-3
COUPEE	8	SAUGATUCK	8
EDWARDS	0	SEADLEY	4
ELSTON	8	SEWARD	5-3
GILFORD	5	SUMAN	3
HANNA	7	TRACY	7
HAMILTON	0	TROCKEL	5
MARTINCO	0	TYNER	15
MARLEE	8	VALPARAISO	10
MELFORD	3	WALLOLL	0
MOWLEY	4	WARNERS	0
MURKENO	0	WARTENAH	3
NEVTON	6	WINTAGER	6
OAKVILLE	15		

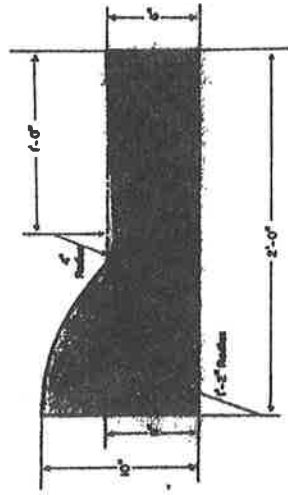


NOTE REFER TO FIGURE 2, BELOW FOR CURB & GUTTER DETAIL.

CURB & GUTTER CROSS SECTION

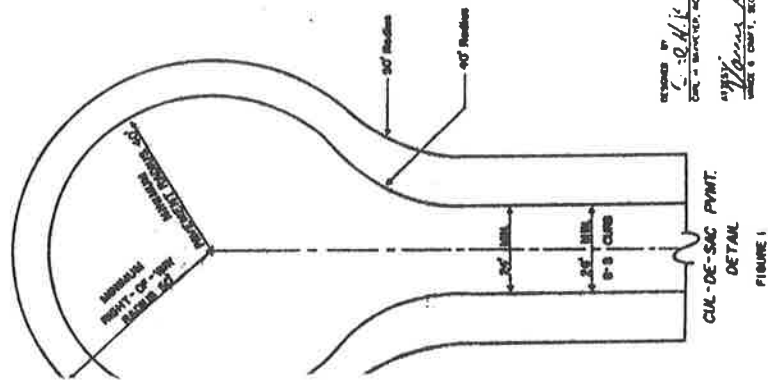


SWALE TYPE CROSS SECTION



CURB AND GUTTER CROSS SECTION

FIGURE 2.



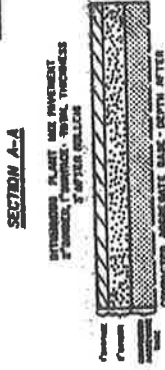
CUL-DE-SAC PAVMT. DETAIL

ALL CONSTRUCTION REQUIRED AND MATERIALS USED TO PRODUCE THE ABOVE CROSS SECTION SHALL MEET THE SPECIFICATIONS LISTED IN THE MANUAL OF PRACTICES FOR THE DESIGN AND CONSTRUCTION OF HIGHWAYS BY THE INDIANA PROFESSIONAL LAND SURVEYOR AND PROFESSIONAL ENGINEER.

DESIGNED BY
E. O. H. K. I.
CHECKED BY
M. S. S. S. S. S.
DATE & CHIEF, SECRETARY

NOTE
CONCRETE STABILIZATION TO BE APPLIED TO SUBGRADE FOR SUBGRADE STREET PAVES.
MINIMUM STRENGTH OF CONCRETE TO BE 4000 P.S.I. FOR ALL TYPES OF CURB & GUTTER AT ALL CORNERS OF 12-24 PER 1000 SQUARE FEET AND 3000 P.S.I. FOR ALL TYPES OF CURB & GUTTER AT ALL OTHER CORNERS.
MINIMUM STRENGTH OF CONCRETE TO BE 4000 P.S.I. FOR ALL TYPES OF CURB & GUTTER AT ALL OTHER CORNERS.
PER 1000 SQUARE FEET AND COVER WITH SOIL OF STRAW PER 1000 SQUARE FEET. NEED TO BE A 4-1 MIXTURE OF FINE TO MEDIUM GRADE.

CONCRETE	DEPTH OF CONCRETE	MINIMUM STRENGTH
12-24	4"	4000 P.S.I.
3000	4"	3000 P.S.I.
4000	4"	4000 P.S.I.



SECTION A-A

RESURFACE PLANT AND INCREMENT 1" PER FOOT. TOTAL THICKNESS 2" AFTER COLLAR.
CONCRETE STABILIZATION TO BE APPLIED TO SUBGRADE FOR SUBGRADE STREET PAVES.
MINIMUM STRENGTH OF CONCRETE TO BE 4000 P.S.I. FOR ALL TYPES OF CURB & GUTTER AT ALL CORNERS OF 12-24 PER 1000 SQUARE FEET AND 3000 P.S.I. FOR ALL TYPES OF CURB & GUTTER AT ALL OTHER CORNERS.
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PER 1000 SQUARE FEET AND COVER WITH SOIL OF STRAW PER 1000 SQUARE FEET. NEED TO BE A 4-1 MIXTURE OF FINE TO MEDIUM GRADE.

APPROVED BY THE PLAN COMMISSION
LAPORTE COUNTY, INDIANA

DATE: 11-15-2011
DRAWN BY: [Signature]
CHECKED BY: [Signature]
DATE: 11-15-2011

DATE: 11-15-2011
DRAWN BY: [Signature]
CHECKED BY: [Signature]
DATE: 11-15-2011

DATE: 11-15-2011
DRAWN BY: [Signature]
CHECKED BY: [Signature]
DATE: 11-15-2011

WESTVILLE PLAN COMMISSION
January 30, 1984

Westville Town Board
Attn: President Glenn Boo
Westville, Indiana

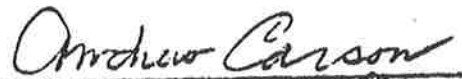
Dear Sir:

The following resolutions were passed by the Westville Plan Commission on the scheduled Jan. 30, 1984 meeting at the Westville Town Hall:

- 1.) The Westville Plan Commission hereby accepts the updating of the zoning work done to date by the Northwestern Indiana Regional Planning Commission.
- 2.) The Westville Plan Commission requests that the Board of Trustees of the Town of Westville establish or amend proper ordinance regarding zoning and subdivision as per Title I attached for zoning and subdivision control enactment as prepared by the Northwestern Indiana Regional Planning Commission and approved by the Westville Plan Commission.

We trust that this will be given your immediate attention,

Sincerely,


Andrew Carson, President

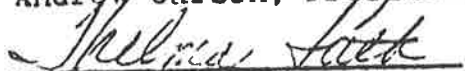

Thelma Fath, Secretary

TABLE 1

4.2231 DESIGN CHARACTERISTICS OF STREET AND ALLEY PAVEMENTS

Kind of Pavement & Thickness	Primary & Secondary	Feeder	Local
FLEXIBLE SURFACE			
Surface Asphaltic Concrete Type "B"	1½"	1½"	1"
Binder Asphaltic Concrete or Bituminous Coated Blended Aggregate	2"	2"	2"
Base Compacted Aggregate or Water Bound Macadam	10"	6"-10"*	6"-10"*

* Based on the California Bearing Ratio (CBR) of the underlying soil. For soils with a CBR of 3-6, ten inches (10") is required, with a CBR of 7-10, eight inches (8") is required, with a CBR over 10, six inches (6") is required.

Material types as set out in Indiana State Highway Commission Specifications. Feeder street design to be used on local streets serving residential, industrial, or commercial developments.

TABLE 2

4.2232 AGGREGATE BASE SPECIFICATIONS

The gradation for gravel materials used in compacted aggregate base shall conform to #53 of the Indiana State Highway Standard Specification or the following:

CLASSIFICATION OF AGGREGATES						
Classes	A	B	C	D	E	F
Quality Requirements						
Los Angeles Abrasion, Percent, Max. (Note 1).....	40.0	40.0	45.0	45.0	50.0	--
Sodium Sulfate Soundness, Percent, Max. (Note 2).....	12.0	12.0	16.0	16.0	20.0	25
Absorption Percent, Max.						
Aggregate for Bituminous Mixtures (Note 3).....	5.0	5.0	5.0	5.0	--	--
Aggregate for Cement Concrete..	5.0	5.0	--	--	--	--
Additional Requirements						
Deleterious, Percent, Max.						
Friable Particles.....	0.2	0.2	0.2	0.2	--	--
Ocher.....	1.0	1.0	1.0	1.0	--	--
Shells.....	0.7	0.7	1.0	1.0	--	--
Non-Durable (Note 4).....	4.0	4.0	4.0	6.0	--	--
Sum of the Above.....	5.0	5.0	6.0	8.0	10.0	--
Coke.....			(See Note 7)			
Iron.....			(See Note 7)			
Chert (Less than 2.45 Bulk Spec. Gravity) Percent, Max. (Note 5).	3.0	5.0	8.0	10.0	--	--
Weight Per Cubic Foot for Slag, Pounds, Min.	75.0	75.0	70.0	70.0	70.0	--
Crushed Aggregate, Percent, Min. (Note 6)						
Mechanical.....	20.0	20.0	20.0	20.0	--	--
Total.....	85.0	85.0	50.0	35.0	--	--

NOTES:

1. Los Angeles abrasion requirements shall not apply to blast-furnace slag.
2. Aggregates failing to meet the sodium sulfate soundness requirements may, at the option of the engineer, be subjected to 50 cycles of freezing and thawing and may be accepted, provided, they do not have a loss greater than specified for sodium sulfate soundness.
3. Absorption requirements shall not apply to blast-furnace slag.

When crushed stone coarse aggregate consists of ledges whose absorptions differ by more than 2 percentage points, the absorption of the finished product will be determined on the basis of production samples from the stockpile obtained at the frequency set out in Indiana Test Method No. 203.

4. Non-durable particles as determined by AASHTO T-189 and other particles which are structurally weak, such as soft sandstone, shale, limonite concretions, coal weathered schist or cemented gravel. Determination of non-durable particles shall be made from the total weight of material retained on the 3/8 inch sieve. Scratch hardness test shall not apply to crushed stone coarse aggregate.
5. The bulk specific gravity of chert shall be based on the saturated surface dry condition. The amount of chert (less than 2.45 bulk specific gravity) shall be determined on the total weight of material retained on the 3/8 inch sieve for sizes 1 through 8 inclusive, 53, 58B, 73 and 73B and on the total weight of material retained on the No. 4 sieve for sizes 9 and 11.
6. The crushed aggregate requirements, unless otherwise specified, will apply only to gravel coarse aggregate used in bituminous mixtures or compacted aggregate base, shoulders or surface. The crushed aggregate requirements will not apply to size 12 aggregate. Blending of crushed stone with gravel in order to comply with the mechanically crushed requirements will be permitted when approved. Determination of crushed particles shall be made on material retained on the No. 4 sieve.
7. Air-cooled blast-furnace slag coarse aggregate shall be free of objectionable amounts of cake and/or iron.
8. Coarse aggregate may be accepted or rejected based on previous service records.

4.23 SEWERS

The subdivider shall provide the subdivision with a complete sanitary sewer system which shall connect with an existing approved sanitary sewer outlet, except that when such approved outlet is not available, the following method of sewage disposal shall be used:

- 4.2301 A complete sanitary sewer system to convey the sewage to a treatment plant, to be provided by the subdivider in accordance with the minimum requirements of the Indiana State Board of Health and/or the Indiana Stream Pollution Control Board.
- 4.231 The plans for the installation of a sanitary sewer system shall be provided by the subdivider and approved by the Indiana State Board of Health. Upon completion of the sanitary sewer installation, the plans for such system as built shall be filed with the Commission.
- 4.232 In this Section 4.23, SEWERS, and the next Section 4.24, WATER, the phrase "the subdivider shall provide" shall be interpreted to mean that the subdivider shall install the facility referred to, or whenever a private sewage disposal system or an individual water supply is to be provided, that such facilities referred to in these sections shall be installed by the developer of the lots in accordance with regulations.

4.24 WATER

The subdivider shall provide the subdivision with a complete water main supply system which shall be connected to an existing approved municipal or community water supply except that when such municipal or community water supply is not available. The subdivider shall provide a complete community water supply system to be provided in accordance with the minimum requirements of the Indiana State Board of Health. In addition, there shall be a provision for fire hydrants in areas served with a central water supply.

- 4.241 The plans for the installation of a water main supply system shall be provided by the subdivider and approved by the Indiana State Board of Health. Upon completion of the water supply installation, the plans for such system as built shall be filed with the Commission.

4.25 STORM DRAINAGE

- 4. 251 The subdivider shall provide the subdivision with an adequate storm water sewer system whenever curb and gutter is installed and whenever the evidence available to the Commission indicates that the natural surface drainage is inadequate.

4.26 CURB, GUTTER

4.261 All subdividers shall provide curb and gutter along all roads within a subdivision. This does not apply to county roads previously in existence prior to the development of a subdivision when such roads are being used as frontage roads in accordance with the Official Thoroughfare Plan.

4.262 The curb and gutter shall be of the construction type shown in Plate 1 herein, and shall be constructed according to the following specifications:

4.2621 The base for the curb and gutter shall be well-compacted on the existing base or grade.

4.2622 The minimum specifications shall be as shown for the type of cross-section on Plate 1 herein.

4.2623 All concrete used in the curb and gutter shall meet the State highway Specifications for Class D concrete.

4.2624 Integral or monolithic curb of the same dimensions as shown in Plate 1 may be built on concrete pavements, provided the pavement widths are maintained as required in this Ordinance.

4.27 SIDEWALKS

4.271 Wherever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with sidewalks, or whenever the proposed subdivision will average more than three and one-half ($3\frac{1}{2}$) lots per gross acre included in the subdivision, the Commission shall require sidewalks to be installed on each side of the street.

4.272 When sidewalks are required, they shall be constructed of Portland Cement Concrete and be at least four (4) feet wide.

4.28 STREET SIGNS

The subdivider shall provide the subdivision with standard street signs at the intersection of all streets.

TITLE V

RULES OF PRACTICE AND PROCEDURE OF THE
WESTVILLE PLAN COMMISSION

5.00 MEETINGS

5.01 Meetings of the Westville Plan Commission shall be held when necessary as called by the President.

5.02 Special meetings of the Commission may be called by the President or by three (3) members upon written notice to the Secretary. Two days notice of each special meeting shall be given by the Secretary to each member of the Commission in a manner deemed by the Secretary to be most likely to apprise each member of such meeting, but no business shall be transacted at any such meeting until the Secretary certifies to the Commission that each member was notified and the manner thereof.

5.03 A majority of the members shall constitute a quorum. No action, however, shall be official unless authorized by a majority of the Commission.

5.04 Decisions of the Commission shall be by individual voice vote of the members. Matters involving Commission personnel and officers may be by paper ballot. All members present shall vote on every question unless they disqualify themselves or are excused from voting by a majority of the members present. No member of the Commission shall participate in the hearing or decision of such Commission upon any matter, other than the preparation and enactment of an overall or comprehensive plan, in which they are directly or indirectly interested in a financial sense.

5.04 The Commission may appoint a Recording Secretary. The Recording Secretary shall serve subject to the direction of the Commission, and the duties shall include recording and keeping the official minutes of all proceedings, showing the vote of each member on each question presented, and serving notice of all public hearings and notices to all members of all meetings of the Commission.

5.10 MEMBERSHIP, OFFICERS AND EMPLOYEES

5.11 The Plan Commission shall consist of seven (7) members. The Town Board shall appoint four (4) citizen members, not more than two (2) of whom shall be members of the same political party. The other three (3) members shall be Town Board members.

- 5.12 The Commission shall each year at its first regular meeting elect from its members a President, a Vice-President and a Secretary.
- 5.13 In the event of the death or resignation of the President, the Vice-President shall succeed to the presidency and a new Vice-President shall be elected from the membership.
- 5.14 In the event of the absence or disability of the President and Vice-President, the presiding officer shall be a member of the Commission selected by the members present.
- 5.15 The Commission may appoint employees necessary to the discharge of the duties of the Commission and shall, within its budgetary allowance, fix the compensation for such employees.
- 5.20 BUILDING COMMISSIONER
- 5.21 The Building Commissioner has the principal responsibility for reviewing plats and enforcing this ordinance.
- 5.30 HEARINGS
- 5.31 Subject to the provisions of IC 36-7-4 as amended from time to time, public hearings shall be held on the adoption or amendment of any master plan, the adoption or amendment of a zoning ordinance, or in the approval of a plat of a subdivision.
- 5.32 A petitioner who seeks to amend the zoning ordinance or other master plan element shall file a petition with the Plan Commission.
- 5.33 All petitions not initiated by the Plan Commission or other governmental agency shall be accompanied by a filing fee as established by this Ordinance and published in Title VI.
- 5.34 All applications intended for consideration shall contain data, statistics, plats, legal descriptions, ownership and other information that the Commission deems necessary.
- 5.40 CONDUCT OF HEARING
- 5.41 At a public hearing before the Commission, the petitioner shall first present the facts and arguments in support of the petition, and those who oppose the petition shall follow. To maintain orderly procedure, each side shall proceed without interruption by the other. Each speaker shall address the chair and be recognized before speaking.

- 5.42 Every person appearing before the Commission shall abide by the order and direction of the President. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Commission and shall be dealt with as the Commission directs.
- 5.43 In the presentation of a petition the burden shall be upon the petitioner to supply all information, including charts, plats, diagrams, and other exhibits necessary for a clear understanding of the problem. The Commission may continue the hearing when in its judgment the petitioner has not provided sufficient evidence and information on which to make a determination.
- 5.44 All petitioners must bear the burden of proof in support of their petition.
- 5.45 The Commission, at its discretion, may continue or postpone the hearing of any petition upon an affirmative vote of a majority of the members present.
- 5.46 The President shall refuse to consider or present to the Commission for consideration any petition in support of or in opposition to any matter being considered by the Commission unless said petition shall conform to the following requirements:
- 5.461 It shall be signed by freeholders before a person carrying said petition.
- 5.462 The signers shall state their address and approximate distance their property is from the land described in the matter before the Commission.
- 5.463 The petition shall be in the form prescribed by the Plan Commission and may be compared by the County Auditor against the property ownership rolls and certified as to ownership, with the cost, if any, of said certification to be paid by petitioner, if so desired by the Commission.
- 5.50 FINAL DISPOSITION OF PETITION
- 5.51 The final disposition of any petition for text amendment, special exception, rezoning, or annexation shall be in the form of an ordinance setting forth the findings and determinations of the Commission, together with any modification, specification, or limitation which it makes and forwards to the Board, along with written findings of fact.

- 5.52 When a petitioner or authorized representative has failed to appear to present his petition at either of two (2) consecutive meetings, the petition shall be dismissed.
- 5.53 A petitioner may not withdraw a petition after a roll call vote has been ordered by the President.
- 5.54 A petition which has been withdrawn by the petitioner or dismissed by the Commission shall not be again placed on the agenda within a period of three (3) months after the date of withdrawal or dismissal.
- 5.60 AMENDMENTS
- 5.61 Amendments to these rules of procedure may be made by the Commission at any regular meeting upon the affirmative vote of a majority of the members of the Commission.
- 5.62 The suspension of any rule of the Commission may be ordered at any meeting by a unanimous vote of the Commission members present.
- 5.63 If a conflict occurs between these rules and regulations and the law of the State of Indiana, the latter shall govern.
- 5.70 NOTICE OF HEARINGS
- 5.71 The petitioner shall, at his own expense and at least ten (10) days prior to the hearing, notify all adjacent property owners of the public hearing by one of the following methods:
- 5.711 Notification by Certified mail, or
- 5.712 Notification in person.
- 5.72 The petitioner shall submit proof to the Plan Commission by presenting return receipts from the U.S. Post Office, or a copy of the notice of the hearing as published in the newspaper, signed and dated by the affected land owner.
- 5.80 COMPLETION OF IMPROVEMENTS
- 5.81 The Building Commissioner shall inspect all improvements and installations in a subdivision to determine if said improvements and installations meet the requirements of this Ordinance.
- 5.811 A road to be dedicated for public use shall be inspected by the Building Commissioner after the installation of the base material, after the two (2) inch binder course is installed, and after the installation of the one (1) inch surface course.

- 5.812 The inspector shall report his findings to the Plan Commission in writing.
- 5.813 Upon completion of all roads and improvements, a letter shall be filed with the Commission signed by the Building Commissioner that all roads and improvements meet the requirements of this Ordinance.
- 5.814 After receiving notification from the Building Commissioner the Commission shall notify the Board that all roads and improvements meet specifications and recommend acceptance by the Board.
- 5.90 SIGNATORY
- 5.91 The signatory of all plats granted secondary approval shall be the Building Commissioner.
- 5.92 The signatory of all written findings of fact and decisions shall be the President of the Plan Commission.

TITLE VI

UNIFORM SCHEDULE OF FEES

6.00 The purpose of this Title is to set forth a uniform schedule of fees to cover the cost of filing and verifying subdivision plats and petitions which are presented to the Plan Commission for approval (IC 36-7-4-704).

6.10 SUBDIVISION PLATS

The cost of filing an application for approval of a subdivision plat shall be as follows:

6.101 Fifty dollars (\$50.00) plus five dollars (\$5.00) per lot.

6.20 PETITIONS

The cost of filing a petition for a rezoning, an amendment to the Subdivision Control Ordinance, or a variance from the requirements of this Ordinance shall be as follows:

6.201 Twenty-five dollars (\$25.00).

6.30 EXCEPTIONS

Governmental units shall be exempt from the provisions of Title VI.

TITLE VII

VARIANCES

7.00 VARIANCE

Where the subdivider can show that a provision of this Ordinance would cause unnecessary hardship if strictly adhered to and where, in the opinion of the Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Commission may authorize a variance. Any variance thus authorized is required to be entered in writing in the minutes of the Commission and the reasoning on which the departure was justified shall be set forth.

7.10 PETITION FOR A VARIANCE

A person seeking a variance from the provisions of this Ordinance shall set forth the reasons for a variance in a petition to the Plan Commission.

7.101 The petition shall be filed in the Office of the Commission at least fifteen (15) days before the regular scheduled meeting of the Commission.

7.102 The cost of filing said petition shall be borne by the petitioner in an amount set forth in Section 6.20.

7.20 DISPOSITION OF A PETITION

7.201 The Commission shall conduct a hearing on a petition for a variance in the manner prescribed by Title V of this Ordinance.

7.202 If, after the hearing, the Plan Commission approves or disapproves the petition, it shall make written findings that set forth its reasons and a decision granting or denying approval and shall provide the applicant with a copy.

7.203 The decision must be signed by the official designated in this Ordinance.

TITLE VIII

OFFICIAL THOROUGHFARE PLAN

8.10 THOROUGHFARE MAPS AND DRAWING

The Official Thoroughfare Plan of the Town of Westville, Indiana, consists of a map entitled "Westville, Indiana, Thoroughfare Plan", dated 1965, plate no. 7 of the 1965 Westville Comprehensive Plan. The map shows the locations of existing and proposed thoroughfares within the jurisdiction of the Commission. The Official Thoroughfare Plan is hereby declared to be a part of this Ordinance and notations, references, indications and other details shown therein are as much a part of this Ordinance as if they were fully described in the text of this Ordinance.

8.20 DESIGNATION OF THOROUGHFARES

The major streets and highways comprising the Official Thoroughfare Plan are hereby classified on the basis of width and type, in accordance with their proposed function, as Primary, Secondary, Feeder and Local Streets.

8.30 POLICIES AND DIRECTIVES

8.301 OPENING OR WIDENING OF STREETS

Whenever a street classified in the Official Thoroughfare Plan is to be platted as part of a subdivision, the required right-of-way width for such street shall be as specified in the Official Thoroughfare Plan, provided that where a street borders a tract of land to be subdivided, the owner of such land shall be required to plat only one-half of the right-of-way designated for such street, measured at ninety (90) degrees to the center line thereof.

8.302 LOCATION OF STREETS

8.3021 Whenever the location of a street is indicated in the Official Thoroughfare Plan as following an existing road or street, or a section or half-section or other established property line, the location of the street shall conform to such location; however, a street lying wholly within a subdivision, and not designated as following an existing road or established property line, may be varied in its alignment when such variance promotes the plan of a neighborhood development unit in accordance with good site planning principles, and if such alignment provides for the continuity of traffic movement.

8.3022 In the absence of any street being designated in each section of land, within the jurisdiction, on or approximately on the north-south and east-west half-section lines of such sections, it is the intent of the Official Thoroughfare Plan and this ordinance that Feeder Streets be established on such half-section lines where feasible.

8.3023 Wherever the location of a street is indicated in the Official Thoroughfare Plan as following an irregular alignment, or a revised alignment or is not referenced to an established line, it shall follow the alignment shown in the Official Thoroughfare Plan. Such alignment shall be subject to a detailed survey which may be provided by the Commission or other public agencies, or by the owners of land to be subdivided if required by the Commission. The survey for such street shall be subject to the approval of the Commission prior to the dedication of the street.

8.303 CONSIDERATION BY PUBLIC AGENCIES

The Board shall be guided by and give consideration to the general policy and pattern of street development set out in the Official Thoroughfare Plan in the authorization, construction, widening, alteration, relocation or abandonment of the public street, highways and related structures.

8.304 ISSUANCE OF PERMITS

Any permits authorized by the Board including but not limited to Improvement Location Permits, permitting the erection, alteration or relocation of structures and other improvements within the jurisdiction of the Commission, shall be issued only if, in addition to satisfying the requirements of other Ordinances, the proposed street right-of-way as set forth by this Ordinance will be protected from encroachment. In this instance, the proposed street right-of-way lines will be considered as the front line of lots and tracts bordering such street.

8.40 CONTINUING AUTHORITY OF COMMISSION

Subsequent to the passage of this Ordinance, the Commission may determine lines for new, extended, widened or narrowed thoroughfares in any portion of the area within the jurisdiction of the Commission, and certify to the Board the amended or additional plan under the same procedure as established for the certification and approval of the Official Thoroughfare Plan.

Exhibit "A"

SUBDIVISION APPROVAL PROCEDURE

Step 1: APPLICATION

The applicant shall:

- a. Make written application (IC 36-7-4-703).
- b. Pay the required fee (IC 36-7-4-704).
- c. File the required Location Map and Primary Plat.

Step 2: REVIEW

Upon receipt of the application for subdivision approval the Building Commissioner shall:

- a. Review the application within thirty (30) days for technical conformity.
- b. Set a date for a public hearing.
- c. Notify the applicant in writing (IC 36-7-4-706).
- d. Publish notice of the public hearing (IC 5-3-1).
- e. Require the applicant to notify adjacent property owners (IC 36-7-4-706).
- f. Make a recommendation to the Plan Commission.

Step 3: PLAN COMMISSION ACTION: PRIMARY APPROVAL

If the Plan Commission grants primary approval it shall:

- a. Make written findings (IC 36-7-4-707(a)).
- b. Sign the Commission decision (IC 36-7-4-707(a)).
- c. Set the amount of the bond and the date for completion of improvements (if necessary) (IC 36-7-4-709).

If the Plan Commission disapproves the Primary Plat it shall:

- a. Make written findings (IC 36-7-4-707(b)).
- b. Sign the Commission decision (IC 36-7-4-707(B)).

Step 4: ACTION: SECONDARY APPROVAL

- a. Determine that the Secondary Plat contains all information as specified by the Plan Commission during the public hearing.
- b. Determine that all improvements have been installed or the proper bond posted (IC 36-7-4-709).
- c. Determine that the plat has been signed by the appropriate parties including the Board whenever a new public right-of-way is established.
- d. If the above conditions have been met the Building Commissioner shall sign the Secondary Plat (IC 36-7-4-710).