

Chapter 68

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ARTICLE I. IN GENERAL**Secs. 68-1—68-18. Reserved.****ARTICLE II. ADMINISTRATION AND ENFORCEMENT****DIVISION 1. GENERALLY****Sec. 68-19. Certiorari procedure.**

In any decision by the Plan Commission under this article any person aggrieved may petition the Circuit or Superior Court of Starke County, Indiana, by writ of certiorari as provided by law.

(Code 1959, § 22-12)

Sec. 68-20. Enforcement of article and penalties for violation thereof.

(a) The Planning Commission may institute a suit for injunction to restrain individuals or governmental units from violating the provisions of this article; provided, however, that nothing herein contained shall be construed as to limit the rights of the state, to otherwise enforce this article by invoking any legal, equitable or special remedy provided by law.

(b) Any person who violates any provision of this article shall be guilty of an infraction and, upon conviction, shall be fined according to a schedule of fines as shall be modified from time to time by the Town Council and made available for public inspection in the Clerk-Treasurer's office, as prescribed by the provisions of section 1-13.

(Code 1959, § 22-13)

Secs. 68-21—68-40. Reserved.**DIVISION 2. VARIANCES AND EXCEPTIONS****Sec. 68-41. Variance and modification.**

(a) Where the subdivider can show that a provision of sections 68-134, 68-135, or 68-136, of these regulations and section 68-106(b) with regard to the exact location of the surfaced area of the street 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 set forth.

(b) The foregoing requirements and principles of land subdivision, may be modified by the Commission in the case of a subdivision large enough to be developed as a community center or neighborhood unit in accordance with a plan prepared by the subdivider and adopted as a part of the master plan.

(Code 1959, § 22-5)

Secs. 68-42—68-60. Reserved.

ARTICLE III. PLATS AND SURVEY MAPS

DIVISION 1. GENERALLY

Sec. 68-61. Approval by Plan Commission for plat or replat of a subdivision.

No plat or replat of a subdivision of land located within the territorial jurisdiction of the North Judson Plan Commission shall be filed with the Auditor or recorded by the Recorder until it shall have been approved by the North Judson Plan Commission, and such approval shall have been entered in writing on the plat by the President and Secretary of the Commission.

(Code 1959, § 22-1)

Sec. 68-62. Plat approval.

(a) In submitting the final plat to the Commission, it shall be accompanied by a notice from the Town Council stating that there has been filed with and approved by that Council, one of the following:

- (1) A certificate that all improvements and installations to the subdivision required for its approval have been made or installed in accordance with specifications; or
- (2) A bond which shall:
 - a. Run to the Town Council of North Judson, Indiana.
 - b. Be in an amount determined by the Plan Commission to be sufficient in amount to complete the improvements and installations in compliance with this article.
 - c. Be with security satisfactory to the commission.
 - d. Specify the time for the completion of the improvements and installations.

Any funds received from these bonds shall be used by the Town Council only for the completion of the improvements and installations for which they were provided; and, said Town Council is authorized to complete such improvements and installations on the failure of applicant to do so.

(b) After hearing and within a reasonable time after application for approval of the plat, the Commission shall approve or disapprove it. If the Commission approves, it shall affix the Commission's seal upon the plat together with the certifying signature of its president and secretary. If it disapproves, it shall set forth its reason in its own records and provide the applicant with a copy.

(Code 1959, § 22-10)

Sec. 68-63. Plat certificates.

The following forms shall be used in final plats:

Certificates

- (1) Under authority provided by the General Assembly of the State of Indiana and Ordinance adopted by the Town Council, North Judson, Indiana, this plat was given approval as follows:

Approved by Town Plan Commission at a meeting held on the _____ day of _____, 20_____.

President

Secretary

- (2) Each final plat submitted to the Commission for approval shall carry a certificate signed by a Registered Professional Engineer or Land Surveyor in substantially the following form:

"I, _____ hereby certify that I am a Professional Engineer (or a 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 actually exist; and that their location, size, type and material are accurately shown.

(SEAL) _____

- (3) Each final 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 hereby 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 setback 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, 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 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, 20_____, (a 15 to 25 year period is suggested), at which time said covenants, (or restrictions), shall be automatically extended for successive periods of ten years unless by vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, it is agreed to change such covenants, or restrictions, in whole or in part. Invalidation of any one of the foregoing covenants, or restriction, 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.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns."

Witness our Hands and Seals this _____ day of _____, 20_____.

STATE OF INDIANA

SS:

COUNTY OF STARKE

Before me, the undersigned Notary Public, in and for the County and State, personally appeared _____, _____, _____, and each separately and severally acknowledged the execution for the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this _____ day of _____, 20_____.

Notary Public

(Code 1959, § 22-11)

Secs. 68-64—68-82. Reserved.

DIVISION 2. TECHNICAL REQUIREMENTS

Sec. 68-83. Application.

(a) Whenever any subdivision of land is proposed to be made, the subdivider or his agent shall submit a written application for a certificate of approval and two copies of a preliminary plat of said subdivision with the Commission, and file said application with the Plan Commission at least four days before meeting at which the Commission is expected to consider said application and plat.

(b) The application shall specify the intent of the subdivider with respect to the land use, drainage, sewage disposal, water supply, and street improvements proposed for the subdivision; shall include satisfactory evidence that the proposed water supply and sewage disposal systems meet the minimum requirements for such systems established by the Indiana Department of Environmental Management; of any deed restrictions that are to be placed upon the property to be subdivided and the expected date of its development.

(c) At the time of filing an application for approval of a plat, the application shall be accompanied by a certified check or money order payable to the Clerk-Treasurer in an amount according to a schedule of fees, as shall be modified from time to time by the Town Council and made available for public inspection in the Clerk-Treasurer's office. Upon the acceptance of the application by the Commission, the secretary shall surrender the check or money order to the Clerk-Treasurer for deposit in the General Fund of the Town.

(Code 1959, § 22-6)

Sec. 68-84. Preliminary plat.

The preliminary plat shall be prepared in accordance with article V and shall be presented as follows:

- (1) The plat shall be drawn at a scale of 100 feet to one inch on a sheet not less than 17 inches by 21 inches or more than 30 inches by 36 inches in size except that when the drawing at that scale requires more than a sheet 30 inches by 36 inches in size, the plat may be drawn at a scale of 200 feet to one inch.

- (2) The plat shall include a vicinity key map at an appropriate scale showing the layout of the proposed subdivision and all existing subdivision, street and tract lines of acreage parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing thoroughfares. It shall also show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in the neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire neighboring area.
- (3) The plat shall contain the following information:
 - a. Description.
 1. Proposed name of the subdivision.
 2. Location, with a complete legal description.
 3. Name and address of the subdivider.
 4. Name, address and seal of the registered professional engineer or licensed land surveyor preparing the plat.
 5. Scale of the plat, including graphic scale, north point and date.
 - b. Existing conditions.
 1. Boundary line of proposed subdivision indicated by solid heavy line.
 2. Location, width and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings or structures, and section and municipal corporation lines, within or adjacent to the tract.
 3. In case of replat all descriptive lines of the original plat being vacated shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat, with the new plat being clearly shown in solid lines so as to avoid ambiguity or confusion.
 4. Existing drainage ditches, sewers, water mains, culverts, or other underground facilities within the tract, indicating pipe sizes, grades and exact location, as obtained from public records.
 5. Boundary lines of adjacent unsubdivided and subdivided land, showing owners names.
 6. Existing zoning of proposed subdivision and adjacent tracts.
 7. Contours based on a fixed and easily recognized datum, at not more than five feet nor less than one foot vertical intervals as required by the Commission.
 8. Location and results of soil percolation tests if individual sewage disposal systems are proposed.

- c. Proposed conditions.
 1. Layout of streets, their names and widths and also widths of alleys, crosswalks and easements. The names of the streets shall conform as far as practicable to the names of corresponding streets existing in the vicinity of the subdivision.
 2. Layout, dimensions and numbers of lots.
 3. Parcels of land to be dedicated or reserved for public use or set aside for use of property owners in the subdivision.
 4. Building setback lines, showing dimensions.

(Code 1959, § 22-7)

Sec. 68-85. Approval of preliminary plat.

The Commission shall consider the application and preliminary plat at the first regular meeting following its proper submittal. If the Commission is satisfied that all conditions have been satisfactorily met by the subdivider, it shall tentatively approve the application and set a date for a public hearing on the proposed plat, giving written notification to the subdivider, and publish a notice of the hearing in a newspaper of general circulation printed and published in the state, or the county, or 25 miles thereof, at least ten days prior to the date set for the hearing. The cost of publishing the notice of the hearing shall be paid to the publisher by the subdivider at the time of inserting the notice. After the public hearing the Commission may give its approval of the preliminary plat which shall be governed by the following qualifications:

- (1) The approval of a preliminary plat by the Commission is strictly tentative, involving merely the general acceptability of the layout as submitted.
- (2) The Commission may introduce such changes or revisions as are deemed necessary to the interests and needs of the community.
- (3) Tentative approval shall be effective for a maximum period of six months, unless, upon application of the subdivider, the Commission grants an extension. If the final plat has not been recorded within this time limit, the preliminary plat must again be submitted to the Commission for approval.
- (4) Any person feeling himself aggrieved at any action of the Commission upon any proposed plat or replat, may apply in writing to the Commission, prior to its next regular meeting, for modification of the action complained of, and such application shall be considered by the Commission, at such time and in such manner as it may determine, but within 40 days following the regular meeting.

(Code 1959, § 22-8)

Sec. 68-86. Final plat.

After approval of the preliminary plat by the Commission, and the fulfillment of the requirements of these regulations, one tracing of the final plat of the subdivision, drawn with

India ink on the best grade of tracing cloth, and one reproduction of the tracing on tracing cloth shall be submitted to the Commission. Upon the final approval of the plat, the reproduction shall become the property of the Commission. The final plat may be submitted for approval immediately after the hearing, and upon approval of the preliminary plat by the Commission. In case the final plat is not ready, the date for the hearing on such final plat shall be set within 15 days from the date requested by the subdivider. The final plat, if desired by the subdivider, may constitute only that portion of the approved preliminary plat, which he proposes to record and develop at the time, provided, however, that portion shall conform to all requirements of these regulations. The final plat shall be prepared at the same scale as the preliminary plat and shall show:

- (1) Name of subdivision.
- (2) Location by section, township and range, or by other legal description.
- (3) The name and certification of the registered professional engineer or licensed land surveyor.
- (4) Scale shown graphically, date and north point.
- (5) Boundary of plat, based upon an accurate traverse with angular and linear dimensions.
- (6) Exact location, width and name of all streets within and adjoining the plat, and the exact location and widths of all alleys and crosswalks.
- (7) True courses and distances to the nearest established street lines or official monuments which shall accurately describe the location of the plat.
- (8) Town, city, township, county or section line accurately tied to the lines of the subdivision by distances and courses.
- (9) Radii, internal angles, central angles, points or curvature and tangency, lengths of tangents and lengths of all arcs.
- (10) All easements for right-of-way provided for public services or utilities.
- (11) All lot and block numbers and lines, with accurate dimensions in feet and hundredths. Blocks in numbered additions to subdivisions bearing the same name may be numbered consecutively through the several additions.
- (12) Lines of all streets with accurate dimensions in feet and hundredths, showing angles to street, alley and lot lines.
- (13) Accurate location of all monuments.
- (14) Accurate outlines and legal description of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication; and of any area to be reserved by deed covenant for common uses of all property owners.
- (15) Building setback lines accurately shown with dimensions.

- (16) A description of the property platted which shall be the same as that recorded in the preceding transfer of the property or that portion of said transfer covered by plat.
 - (17) Restrictive covenants of all types which run with the land.
 - (18) Property numbers based on the official property numbering system of the state.
 - (19) Certificate for approval by the Commission.
- (Code 1959, § 22-9)

Secs. 68-87—68-105. Reserved.

ARTICLE IV. REQUIRED IMPROVEMENTS

Sec. 68-106. Streets.

(a) Streets and alleys shall be completed to grades as shown on plans, profiles and cross sections prepared by the subdivider and approved by the Commission. The streets shall be graded, surfaced and improved to the dimensions required by the cross sections prescribed for the streets in the Thoroughfare Plan, and the work shall be performed in the manner prescribed for road and bridge construction and maintenance as prescribed by the State Highway Commission of Indiana. References in the following paragraph refer to the SHC of I specifications.

(b) As a minimum the streets shall be surfaced to a width of 12 feet on each side of the centerline of the streets with six inches of Compacted Aggregate (Section C-9) covered with a Dust Palliative (Section D1103.6).

(c) Upon the completion of the street and alley improvements, plans and profiles, as built, shall be filed with the Town Council.

(Code 1959, § 22-4(a))

Sec. 68-107. Sewers.

The subdivider shall provide the subdivision with a complete public sewer system which shall connect with a sanitary sewer outlet or, for the disposal of sanitary sewage by means of septic tanks with absorption systems or seepage pits, all constructed according to the minimum requirements of the Indiana Department of Environmental Management. In this section, and section 68-108, the phrase "the subdivider shall provide" shall be interpreted to mean that the subdivider shall install the facility referred to, or that the subdivider shall require, as a condition of the sale of each lot, or parcel in the subdivision, that the facilities referred to in this article shall be installed by the developer of the lot in accordance with these regulations. Upon the completion of the installation of a public sewer system, the plans for such system as built shall be filed with the Town Council.

(Code 1959, § 22-4(b))

Sec. 68-108. Water.

The subdivider shall provide the subdivision with a complete water main supply system which shall be connected with the Town water supply system, or a private water supply for each lot to be installed in accordance with the minimum requirements of the Indiana Department of Environmental Management.

(Code 1959, § 22-4(c))

Sec. 68-109. Storm drainage.

The subdivider shall provide the subdivision with an adequate stormwater sewer system whenever the evidence available to the Commission indicates the natural surface drainage is inadequate. When the surface drainage is adequate, easement for such surface drainage shall be provided.

(Code 1959, § 22-4(d))

Sec. 68-110. Street signs.

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

(Code 1959, § 22-4(e))

Secs. 68-111—68-129. Reserved.**ARTICLE V. DESIGN STANDARDS****Sec. 68-130. Land not to be subdivided if considered unsuitable.**

No land shall be subdivided for residential use if 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.

(Code 1959, § 22-3(a))

Sec. 68-131. Subdivisions shall conform to thoroughfare plan.

All proposed subdivisions shall conform to the thoroughfare plan. Whenever a tract to be subdivided embraces any part of a major street, boulevard, or parkway so designated on the thoroughfare plan, such part of such proposed public way shall be platted by the subdivider in the locations and of the width indicated on the thoroughfare plan. Due consideration shall also be given by the subdivider and owners of adjoining property for the provision of school sites, park sites, right-of-way for public utility lines, sites for business centers, industrial locations, and other features as indicated on the master plan.

(Code 1959, § 22-3(b))

Sec. 68-132. Streets and alley location and arrangement.

(a) The street and alley layout shall conform to the neighborhood plan of the Commission for the development of the neighborhood in which the proposed subdivision is located.

(b) Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.

(c) Wherever there exists a dedicated or platted portion of a street or alley adjacent to the tract to be subdivided, the other portion of the street or alley to the prescribed width shall be platted.

(Code 1959, § 22-3(c))

Sec. 68-133. Minimum street and alley widths.

(a) Major streets and streets in business districts designated by the zoning ordinance shall have widths not less than 80 feet.

(b) Other streets shall have widths not less than 50 feet.

(c) Alleys shall have widths not less than 20 feet or more than 30 feet.

(d) Dead-end streets shall have widths not less than 50 feet. All dead-end streets shall not exceed 600 feet in length and shall terminate in a circular right-of-way within a minimum diameter of 80 feet, unless the Commission approves an equally safe and convenient form of space instead of the required turning circle.

(Code 1959, § 22-3(d))

Sec. 68-134. Minimum radii of curvature on the centerlines.

Where a deflection angle of more than ten degrees in the alignment of a street occurs, a curve shall be introduced, providing for:

(1) Major streets, a minimum radius of 300 feet, but should be much greater wherever possible.

(2) Other streets, a minimum radius of 100 feet, but should be much greater wherever possible.

(Code 1959, § 22-3(e))

Sec. 68-135. Tangents.

Between reversed curves there shall be not less than a minimum tangent for:

(1) Major streets, of 200 feet.

(2) Other streets, of 50 feet.

(Code 1959, § 22-3(f))

Sec. 68-136. Intersections.

(a) At street intersections, property line corners shall be rounded by an arc at least 20 feet in radius.

(b) All streets intersecting a major street shall do so at right angles or as nearly so as is possible. Where the intersection angle is less than 60 degrees, the foregoing radii shall be increased not less than 40 percent.

(Code 1959, § 22-3(g))

Sec. 68-137. Blocks.

(a) The width of blocks shall be sufficient to allow two tiers of lots as described in section 68-138(a) and (b) of this section.

(b) Blocks shall not exceed 1,320 feet in length.

(c) In blocks over 750 feet in length, the Commission may require, at or near the middle of the block, a public walk connecting adjacent streets or other public areas. Such walkway shall be at least ten feet in width and shall be intended for the use of pedestrians only.

(Code 1959, § 22-3(h))

Sec. 68-138. Lots.

(a) In any agriculture or residence district the minimum width and area for lots shall conform to the requirements of the zoning ordinance, but in no case shall the width be less than 50 feet at the setback line, and the area contain less than 6,000 square feet if a public water supply and sanitary sewers are provided; 8,000 square feet if a public water supply but no sanitary sewers are provided; 10,000 square feet if neither public water supply nor sanitary sewers are provided. Where property is located in a business or manufacturing district the minimum permissible lot size and frontage shall be at the discretion of the Commission.

(b) The depth-to-width ratio of the usable area of a lot shall be not greater than 3.5 to 1.0.

(c) Building setback lines shall not be less than those required by the zoning ordinance.

(d) Whenever possible side lines of lots shall be at right angles or radial to street lines.

(e) Every lot shall abut on a street.

(f) Through lots having frontage on two parallel or approximately parallel streets will be permitted only at the discretion of the Commission.

(g) Except where alleys are provided for the purpose, each lot shall have an easement for utilities along the rear lot line and along the side lot line where necessary. No easement shall be less than six feet wide on each lot, making an overall easement width of 12 feet.

(h) When the terrain so requires, easements for sanitary sewers along lot lines other than the rear lot lines, shall be provided.

(Code 1959, § 22-3(i))

Sec. 68-139. Public spaces.

Whenever a park, recreational area, school site or other open space shown on the master plan is located in whole or in part in the proposed subdivision, the Commission may require the dedication of those spaces or their reservation for a period of not less than three years.

(Code 1959, § 22-3(j))

Sec. 68-140. Monuments and markers.

(a) Monuments shall be of concrete with a diameter of not less than six inches and 36 inches long, with a copper dowel three-eighths inch in diameter, at least 2½ inches in length imbedded so that the top of the dowel shall be not more than one-quarter inch above the surface and at the center of the monument.

(b) Monuments shall be set so that the top is level with the established grade adjoining it and placed so that the marked point on the metal center shall coincide exactly with the intersection of street property lines, the intersection of all angles in the boundary line and at the beginning and ending of all curves along streets on the inside street lines.

(c) Lot corners not marked by concrete monuments as required above, shall be marked by galvanized or wrought iron pipe, or iron or steel bars at least three feet in length and not less than five-eighths inch in diameter, with the top of the pipe or bar to be set level with the established grade of the ground adjoining it.

(Code 1959, § 22-3(k))

Chapter 69

RESERVED

