

SUBDIVISION CONTROL ORDINANCE

for

Crawfordsville, Indiana

and

Contiguous Unincorporated Areas

Chapter 152

**Of the Municipal Code of the
City of Crawfordsville, Indiana**

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Purpose and Jurisdiction

Section 152.001 Title

This Ordinance shall be known and may be cited as the "Subdivision Control Ordinance of the City of Crawfordsville, Indiana and contiguous unincorporated areas."

Section 152.002 Purpose

This Ordinance is adopted in accordance with the Crawfordsville Comprehensive Plan for the following purposes of: assisting the orderly and efficient development of the City and the contiguous unincorporated areas; providing for the coordination of new streets with existing and planned streets or highways; promoting the health, safety and general welfare of the residents of the City and the contiguous unincorporated areas; ensuring the coordination with and extension of community facilities and utilities; and establishing the procedure for the City of Crawfordsville Plan Commission review and action on applications for subdivision plats. The procedure is intended to provide orderly and expeditious processing of such applications.

Section 152.003 Scope of Regulations

No Improvement Location Permits or Certificates of Occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with building code standards adopted by the City if they have been enacted and are in force.

A. Administrative Subdivisions

1. Types of Administrative Subdivisions

An administrative subdivision is a subdivision of land that, unless specified otherwise, is specifically exempted from the preliminary and final plat approval procedures of this Ordinance. An administrative subdivision must be one of the following types of divisions:

- a. A division of land for residential use into two (2) additional tracts from the parent tract of which all tracts are at least one and one-half (1 ½) acres in size with the parent tract maintaining a minimum of ten (10) acres, provided the parent tract is greater than thirteen (13) acres in size;
- b. A division of land into no more than four (4) tracts for an agricultural use.
- c. A division of land for the transfer of tract or tracts to correct errors in an existing legal description, provided that no additional building sites (accessory structure excluded) are created by the division;
- d. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or court decree for the distribution of property;
- e. A division of land for the unwilling sale of land as a result of legal condemnations as defined and allowed by State law.
- f. A division of land for federal, state, or local government to acquire street right-of-way;
- g. A division of land for the transfer of a tract or tracts between adjoining lots, provided that the division does not create a buildable lot for a principal use structure;
- h. A division of land into cemetery plots for the purpose of burial of corpses;
- i. A division of land for the purpose of straightening property boundary lines, provided that the division does not cause a change in the existing land use.

- j. A residential lot split of three (3) lots or fewer, which does not involve the construction of any new street or road, or the imposition of any adverse effect upon the use of the remainder of the land or adjacent property as determined by the Planning Director.

2. Administrative Subdivision Review

An administrative subdivision shall be reviewed by the Planning Director in accordance with IC 36-7-4-710, as amended from time to time. The Planning Director shall make comments regarding the application and either approve, approve with conditions, require further review, or deny the application.

3. Recording an Administrative Subdivision

Before the deed of a parcel that is created through an administrative subdivision may be recorded with the Crawfordsville Recorder, the Planning Director shall place a notation on the deed to the effect that the parcel was created through the administrative subdivision processes. The notation shall be signed by the Planning Director. The Planning Director shall then record the approved deed with the Crawfordsville Recorder.

B. Major Subdivisions (residential or non-residential)

Major subdivisions include any land, vacant or improved, which is divided or proposed to be divided into four (4) or more lots of record for the purpose of offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions, including re-subdivision. Major subdivisions are subject to a two-step approval process: primary and secondary review and approval. Recording of the plat is not authorized until after secondary plat approval is granted. All subdivision of land for non-residential use shall be subject to the major subdivision process. Where upon completion of all development, the exact measurements of the location of: building footprints; roads; utility lines; easements; dedicated parks, open spaces, and facilities; etc. erected during the development are necessary for public record and shall therefore be recorded. The developer shall submit a copy of the approved Construction Plans (as-built plans), as amended, to the Planning Director with the exact measurements thereon shown. The Planning Director, after being satisfied that the measurements are substantially the same as indicated on the originally approved final plan(s), shall approve, date and sign said Construction Plans for the project, which the developer shall then record.

C. Minor Subdivisions (non-residential)

Non-residential minor subdivisions may be subject to a one-step approval process. If an applicant is seeking approval for a subdivision of three (3) lots or less that does not involve the construction of any new street or road, or the imposition of any adverse effect upon the use of the remainder of the land or adjacent property as determined by the Commission, and the activity does not conflict with either a provision or portion of the Comprehensive Plan, the Official Zoning Map, the Zoning Ordinance, approval of the minor subdivision plat may be given by the Area Plan Commission at a single meeting. The applicant shall provide the Area Plan Commission a plat and any other such information as deemed necessary by the staff. Recording of the plat is not authorized until after plat approval is granted.

Section 152.004 Condominiums

Section 32-25 of Indiana Code states that condominiums are exempt from local subdivision control ordinances, meaning that the platting of condominium units regulated by Indiana Code 32-25: Condominiums, is exempt for the provisions of this Ordinance. Conversely, a condominium is formed by the filing of the Declaration with the County Recorder. Among other things, the Declaration will contain the following: the description of the land, the building (including the number of stories and units), the common areas, the limited common areas, the percentage of the undivided interest in the common areas, restrictions and the by-laws will be attached. While exempt from the platting requirements of this Ordinance, all condominium projects shall comply with all other applicable standards and regulations adopted by the City of Crawfordsville, this includes, but is not limited to the Zoning Ordinance, Building Code, and the City's construction manual adopted by the Board of Public Works and Safety. Therefore, prior to obtaining a building permit for the construction of condominium property, the builder(s) or developer(s) shall file a copy of the executed and recorded declaration of the project as a condominium project with the Planning Director consistent with Section 153.056 F, Building Permits for Condominium Projects, of the Crawfordsville Zoning Ordinance.

Section 152.005 Planned Unit Developments

Following adoption of an ordinance by the City Council providing for a planned unit development (PUD), the procedure for platting within the districts shall be the same as that prescribed for subdivisions in this Ordinance and in compliance with the procedures and regulations set forth in Section 153.017, Planned Unit Development, of the Crawfordsville Zoning Ordinance, as amended from time to time.

Section 152.006 Conflicting Provisions

Whenever there is a difference between standards or provisions specified herein and those contained in other regulations, resolutions or ordinances of the City, County or State, the most restrictive standards shall govern and the governing body of the most restrictive standards shall be the governing authority of said standards

Section 152.007 Jurisdictional Area

This Ordinance shall apply to all incorporated land within the City of Crawfordsville, Indiana, and contiguous unincorporated land within a two-mile area outside of the corporate boundaries.

Section 152.008 Authority

A. Plat Approval Authority

This Ordinance, which was enacted pursuant to Indiana home rule and planning legislation (IC 36-1-3-4 and the 700 Series of IC 36-7-4, as amended) authorizes the Plan Commission and the City of Crawfordsville to review and approve or disapprove plats for subdivision throughout the jurisdiction of the City of Crawfordsville. This authority extends to the development or re-subdivision of undeveloped portions of previously recorded plats.

B. Designation of the Administrator

The Planning Director and/or his or her designee is hereby designated as the Administrator for the purposes of administering and enforcing this Ordinance.

C. Plat Committee

The Commission hereby delegates to a Plat Committee, as established in the Crawfordsville Zoning Ordinance, the authority to grant secondary approval, unless by the written primary approval, the Commission specifically reserves the right to make secondary approval based on circumstances deemed necessary by the Commission.

Section 152.009 Waiver

A. General

Where the Commission finds that unnecessary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these subdivision regulations so that substantial justice may be done and the public interest served, provided that the waivers shall not have the effect of nullifying the intent and purpose of these regulations, and further provided the Commission shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that the following apply:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other nearby property.
2. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property.
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship or practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
4. The waiver will not in any manner contravene the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map as interpreted by the Commission and the Planning Director.

B. Conditions

In approving waivers, the Commission may require conditions to, in its judgment; secure substantially the objectives of the standards or requirements of these regulations.

C. Procedures

A petition for any waiver shall be submitted in writing by the applicant at the time when either the primary or secondary plat is filed for consideration by the Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner

Section 152.010 Pre-Annexation Agreements

The Board of Works is hereby authorized and delegated the authority to enter into Pre-Annexation Agreements with applicants. Under circumstances deemed appropriate by the Commission and/or the Board of Works, such agreements would set forth the terms and conditions whereby applicants would complete certain off-site improvements and agree to annexation in exchange for the extension of City services to the subdivision.

Section 152.011 Appeals

Pursuant to IC 36-7-4-1016, any person aggrieved by a final decision of the Crawfordsville Plan Commission under this Ordinance may present to the Court of competent jurisdiction, a petition, duly verified, setting forth that such decision is illegal in whole or in part and specifying the grounds of illegality. The petition shall be presented to the court within thirty (30) days after the entry of the decision of the Plan Commission.

Section 152.012 Amendments

For the purpose of providing for the public health, safety, and general welfare, the City, on recommendation of the Commission, may from time to time amend the provisions imposed by these subdivision regulations. All amendments shall be considered and adopted in compliance with I.C. 36-7-4-700 et. seq. and any applicable Rules of Procedure adopted by the Plan Commission or the Common Council of the City of Crawfordsville.

Application Submittal, Review & Approval

No person proposing a development plan shall proceed with any grading and improvements for streets or installation of public utilities until the primary plat of the proposed subdivision is approved by the Plan Commission. In addition, no person proposing a development plan shall sell, agree to sell, transfer, lease or otherwise convey any lot, parcel or tract in a subdivision, or construct or commence the construction of any building in a subdivision until secondary approval of the plat of the proposed subdivision, and the same is recorded in accordance with the following provisions.

Section 152.013 Non-residential Subdivisions

A non-residential subdivision shall be subject to all of the requirements of this Ordinance and amendments hereto, as well as such additional standards required by the Commission, and shall conform to the proposed land uses and standards established in the Zoning Ordinance. The applicant shall demonstrate that the proposed street-block-lot-parcel pattern of the non-residential subdivision is specifically adapted to its anticipated uses, and also takes into account other uses in the vicinity. The following principles and standards shall be observed:

A. Parcel Identification

Each non-residential area or parcel shall be shown and marked on the plat as to its intended purpose. Proposals for incremental lot-by-lot subdivision shall also be noted.

B. Lot Area and Dimensions

Proposed parcels shall be suitable in area and dimensions to the types of development anticipated.

C. Street Rights-of-Way and Pavement

Street rights-of-way and pavement construction shall be adequate to accommodate the type and volume of anticipated traffic.

D. Non-residential subdivisions adjacent to Residential development

The Commission may impose special requirements in order to protect adjacent residential areas from any potential nuisance caused by a non-residential subdivision, including the provision extra depth on parcels backing onto existing or potential residential areas, and for permanent landscape buffers when necessary.

E. Streets and Truck Routes

Streets carrying non-residential traffic shall not normally be extended to the boundaries of adjacent existing or potential residential areas. Truck routes shall be established as necessary to prevent truck traffic from encroaching into adjacent residential areas.

Section 152.014 Pre-Plat Conference

The petitioner shall meet with the Planning Director prior to submitting an application for a primary plat. The purpose of this meeting shall be for the petitioner to provide the Planning Director general information concerning the proposed plat as well as to familiarize the petitioner with the procedures and requirements of the Commission and appropriate City ordinances. The Planning Director may also advise the applicant, when appropriate, to discuss the proposed subdivision with officials whose jurisdiction may be affected. The conceptual plan review is intended only for these purposes; neither the petitioner nor the City is bound by any decision made during the initial consultation and conceptual plan review.

Section 152.015 Submittals

A. Place of Filing

Applications and petitions shall be filed in writing on a form provided by the Plan Commission.

B. Form, Number and Scale

Applications shall be made on forms supplied by the Planning Director. All applications shall be accompanied by the application documents required by this Ordinance in the number and scale specified on the application and checklist. Incomplete applications shall not be processed and may be returned to the petitioner at the petitioner's expense.

C. Drafting Standards and Submittal Requirements

1. Conceptual Plan. The conceptual plan for a subdivision shall be drawn to scale or with adequate dimensions to understand scale and shall include the following:
 - a. The proposed name of the subdivision;
 - b. A legal description of the property;
 - c. A location map showing the parent tract;
 - d. The location of all existing property lines, existing easements, and existing watercourses; location, width and names of existing streets within or adjacent to the tract; and names of adjoining property owners of the proposed subdivision;
 - e. Location of existing utilities within the tract and immediately adjacent thereto;
 - f. Existing natural features and topographic or geological constraints;
 - g. Approximate location and widths of proposed streets;
 - h. Preliminary proposals for connection with existing water and sewer systems;
 - i. Preliminary provisions for collecting and discharging surface water; and
 - j. Approximate location and area of all parcels of land to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community-wide purposes.

2. Primary Plat

The primary plat shall be prepared by a registered land surveyor at a scale of not more than 1" = 100'. Standard engineering symbols shall be used, with a legend or explanation of all symbols provided on all submitted drawings. The primary plat shall be of a size not less than 17" x 21" nor more than 30" x 36"; except that when the plat at the scale of 1" = 100' requires more than the largest acceptable sheet (30" x 36"), the plat may be drawn at a scale of up to 1" = 200'. One copy reduced to 11" x 17" shall be submitted for reproduction. In addition, all documents submitted as part of a primary plat application shall also be submitted electronically and include all CAD files. The primary plat shall show the following information:

- a. The proposed name of the subdivision.
- b. A Context Map showing the location of the proposed subdivision referenced to existing or proposed major streets and to township section lines.
- c. The name, address and telephone number of the owners of the land to be subdivided, and of the applicant if other than the owner.
- d. Name, address, telephone number and registration number of the registered land surveyor responsible for the design of the subdivision, the design of public improvements, and for surveys.
- e. An accurate metes and bounds description of the tract and its title as shown by the records in the Office of the Montgomery County Recorder.
- f. Date, graphic scale bar and north point.
- g. Location, widths, dimensions, and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way or easements within and adjacent to the tract.

- h. Location and names of all existing or prior platted parks and other public and private recreation areas within and adjacent to the tract.
- i. Location of all existing buildings and structures within the tract.
- j. All section, corporation, school and other improvement district lines, with the districts properly designated within and adjacent to the tract.
- k. Location of subdivision property with respect to surrounding property owners, including the names of all adjoining property owners of record and the names of adjoining developments.
- l. Layout of proposed streets, their names, widths and type of surfacing material; the locations of alleys, crosswalks, and sidewalks; and the location of any construction access roads as required by the Plan Commission or as deemed necessary by the developer.
- m. Layout of proposed lots including their numbers, dimensions, and square footage.
- n. Parcels of land intended for dedication for public use, or which are to be set aside for the use of property owners in the subdivision.
- o. All building setbacks.
- p. Approximate topographic contours (existing and proposed), shown at vertical intervals of not more than five (5) feet, where the slope is greater than ten percent (10%); and not more than two (2) feet, where the slope is less than ten percent (10%). Elevations marked on such contours shall be based on a datum plane approved by the Crawfordsville Engineer, or on Sea Level Datum.
- q. Location, dimensions, and types of all proposed easements.
- r. Preliminary sanitary sewer pipe locations, manhole locations and invert elevations at point of connections with existing facilities or alternative means of disposal.
- s. Preliminary storm sewer improvement locations, including pipe, manhole and catch basin locations, detention basin locations, and storm drainage flow lines.
- t. Preliminary water line and fire hydrant locations to the point of connection with existing facilities or alternative sources.
- u. Street lighting fixture locations, if applicable.
- v. Whenever the primary plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at a scale of no more than 1" = 200', a sketch of the entire holding, including the proposed subdivision area, showing an indication of the probable future street and drainage systems for the remaining portion of the tract.
- w. A vicinity map showing streets and other general development of the surrounding area.
- x. A Certificate of Approval of Primary Plat by the Plan Commission.
- y. A dedication of roads, easements, buffers, or land, if applicable.
- z. Such other information as the Planning Director may require.

3. Secondary Plat

The secondary plat shall be prepared by a registered land surveyor at a scale of not more than one 1" = 100'. Standard engineering symbols shall be used, with a legend or explanation of all symbols provided on all submitted drawings. It shall include all additions, corrections and deletions of the primary plat required by the Commission. The secondary plat shall be of a size not less than 17" x 21" nor more than thirty 30" x 36"; except that when the plat at the scale of 1" = 100' requires more than the largest acceptable sheet (30 x 36), the plat may be drawn at a scale of up to one 1" = 200. One copy reduced to 11" x 17" shall be submitted for reproduction. In addition, all documents submitted as part of a primary plat application shall also be submitted electronically and include all CAD files. In addition to the information required for the primary plat, the secondary plat shall also show the following information:

- a. 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.
- b. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plat.
- c. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
- d. Accurate metes and bounds description of the boundary.
- e. Street names and addresses as assigned by the Area Plan Commission staff.
- f. Complete curve notes for all curves included in the plan.
- g. Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley, and lot lines.
- h. Lot numbers and dimensions
- i. Accurate locations of easements for utilities and any limitations on such easements.
- j. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use.
- k. Yard setback lines and dimensions.
- l. Locations, type, material and size of all monuments and lot markers.
- m. Plans and specifications for the improvements and lot markers.
- n. An Offer of Dedication, if applicable.
- o. A Certificate of Acknowledgment, if applicable.
- p. A Land Surveyor's Certificate.
- q. A Certificate of Inspection, if applicable.
- r. Either a Certificate of Approval of Secondary Plat by the Plat Committee or a Certificate of Approval of Secondary Plat by the Plan Commission.
- s. A description of the protective covenants or private restrictions to be incorporated in the plat of the subdivision, if applicable.
- t. Such other information as the Commission may require.

D. Fees

All primary and secondary plat applications shall be accompanied by all applicable fees as prescribed by the Official Fee Schedule, which is in addition to the cost of publishing a legal notice in all local papers.

Section 152.016 Primary Plat Approval

The approval of the primary plat shall be by an affirmative vote of the Commission at a public hearing conducted in conformance with IC 5-3-1, as amended from time to time. The disposition of the plat shall be covered by Plan Commission Rules of Procedure adopted by resolution. Primary plat approval may be denied by the Commission if a plat is not in total conformity with the guidelines, requirements or the purposes of these regulations. The lack of information under any item specified within this Ordinance or improper information supplied by the applicant may also be cause for denying primary approval. Any person desiring approval of a primary subdivision plat shall file the following with the Plan Commission:

A. Written application required

A written application which complies with the requirements of this Section for approval of the primary plat to the Plan Commission Office for technical conformity with the standards of this Ordinance shall be required.

B. Fees

The filing fee as prescribed by the Official Fee Schedule as amended from time to time. The applicant shall also pay in full the mailing costs incurred by the Plat Committee in furnishing notice of the public hearing and the publication of a legal notice in all local papers, as required by law and the Crawfordsville Zoning Ordinance, prior to the date the application and plat are considered for primary plat approval by the Plat Committee.

C. Primary Plat

Copies of the primary plat which complies with the requirements of this Ordinance in the number and form required by the Plan Commission shall be required. The proposed plat shall represent the entire tract the applicant intends to develop and over which he has an ownership or financial interest and/or control. If the plat is a sell-off, the plat shall also represent the entire tract from which the applicant acquired his tract.

D. Covenants, Codes, and other Restrictions

1. Information as to any agreements which have been entered into with other property owners within the neighborhood in which the proposed subdivision is located.
2. Existing covenants and/or restrictions of all types which run with the land, if any.

Section 152.017 Secondary Plat Approval

The approval of the Secondary Plat shall be by an affirmative vote of the Plat Committee. The disposition of the secondary plat shall be covered by IC 36-7-4-700, this Ordinance, and by rule of the Plan Commission. The lack of information under any item specified within this Ordinance or improper information supplied by the applicant may be cause for denying secondary plat approval. The Plat Committee will consider secondary approval of a plat only after being shown satisfactory evidence the applicant has accomplished the following:

A. Primary Plat Approval

B. Construction guarantee

Guaranteed all of the improvements required by this Ordinance, or by the conditions placed upon the primary plat by the Commission, and which are in accord with said improvement construction plans on file.

C. Compliance with all standards, requirements, terms and conditions

Total compliance with the requirements of this Ordinance and any amendments hereto, and to the terms and conditions of approval shall be required.

D. Approved performance/maintenance guarantee

An applicant shall have received approval of a performance guarantee and/or maintenance guarantee by the Crawfordsville Board of Public Works and Safety or Montgomery County.

E. Filing with the Plan Commission

1. Copies of the secondary plat which complies with the requirements of this Section and the Rules and Procedures of the Plan Commission. This secondary plat shall comply substantially with the primary plat approved by the Commission.
2. The filing fee as prescribed by the Official Fee Schedule as amended from time to time. The applicant shall also pay in full the mailing costs incurred by the Plat Committee in furnishing notice of the public hearing and the publication of a legal notice in all local papers, as required by law and the Crawfordsville Zoning Ordinance, prior to the date the application and plat are considered for secondary plat approval by the Plat Committee.
3. A minimum of three copies of the complete, final construction plans, in accordance with the requirements of this Ordinance, for the development of all streets, sewers, water supplies and other subdivision utilities and facilities. Should any modification of these plans be made in the actual construction of these improvements, "as built" (record) drawings shall be submitted upon completion. In addition, the applicant shall also provide electronic copies: portable document files (PDF) and CAD files.
4. All formal, irrevocable offers of dedication to the public of all streets, utilities, parks, easements and other local governmental uses in a form approved by the Crawfordsville City Attorney. All formal, irrevocable offers of dedication shall be recorded as a notation on the plat.
5. A general warranty deed to all lands offered for dedication in proper form for recording.
6. Restrictive covenants in a form acceptable by the Commission, where proposed by the applicant or required by the Commission.
7. A performance bond, if applicable.
8. A maintenance guarantee, if applicable.
9. A letter of credit, if applicable.
10. A pre-annexation agreement approved by the Board of Works, if required.

Section 152.018 Sectional/Partial Secondary Plats

A. Plats divided into two or more sections

At the time of primary plat approval, the Commission may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the secondary plat sections as it may deem necessary to assure the orderly development of the subdivision. With the exception of non-residential subdivisions, such sections shall contain at least 10% of the total number of lots contained in the entire plat. The applicant shall specifically describe and designate such sections on the primary plat.

B. Performance guarantee

The Commission may require that the performance guarantee be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance guarantee principal amount until the remaining sections of the plat are offered for secondary approval. The same policy shall apply to the installation of improvements.

C. Irrevocable offers

The developer may also file irrevocable offers to dedicate streets and public improvements in the sections to be filed and may defer filing offers of dedications for the remaining sections of the plat until the remaining sections, subject to any conditions imposed by the Commission, are offered for secondary approval.

D. Recording

All partial subdivision sections which have been granted secondary approval by the Plat Committee shall be filed with the Montgomery County Recorder.

Section 152.019 Specifications for Construction Plans

A. Preparation

Construction plans shall be prepared for all required improvements to be installed by the applicant. Plans shall be prepared by a registered land surveyor at a scale of not more than 1" = 100', and the plan sheets shall be of the same size as the primary plat. Standard engineering symbols shall be used, with a legend or explanation of all symbols provided on all submitted drawings. It shall include all additions, corrections and deletions of the primary plat required by the Commission.

B. Content Requirements

Construction plans shall show the following information:

1. Profiles showing existing and proposed elevations along center lines of all streets or roads. Where a proposed street intersects an existing street or road, the elevation along the center line of the existing street or road within 100 feet of the intersection shall be shown.
2. Plans and profiles showing the locations and typical cross-sections of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, catch basins, and street sign locations, the location, size and invert elevations of existing or proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, or other underground utilities or structures.
3. Plans and profiles showing the location, size, elevation and other appropriate descriptions of any existing facilities or utilities, including but not limited to, existing or proposed streets, sewers, drains, water mains, easements, water bodies, streams, floodplains, and other pertinent features within the proposed subdivision.
4. Preliminary and/or final drainage plans approved by the Montgomery County Drainage Board as required by the County Storm Water Drainage Control Ordinance and all amendments and supplements thereto.
5. All specifications and references required by the City's or County's construction standards and specifications.
6. Certification of Approval of Construction Plans.

Section 152.020 Completion of Improvements

All applicants shall be required to complete all street, sanitary and public improvements, throughout the subdivision and among the individual lots, specified by the Plat Committee in the approved construction plans and secondary plat, before signature by the Plat Committee unless the applicant has posted a performance bond in conformance with provisions of 152.017. Such improvements shall be completed to the satisfaction of the City or County Engineer, and the applicant shall dedicate such improvements to the city or county free and clear of all encumbrances.

Section 152.021 Performance Bonds and Maintenance Guarantees

A. Staff Approval

The developer shall submit separate performance bonds for each public improvement. The bonds shall be in the form prescribed by the City. The amount of any bond shall be approved by the City to ensure compliance with the provisions in (B). Once the form and amounts of a bond have been administered, the bonds shall be filed with the Planning Director. The authority for administration and enforcement of the bonds shall then lie with the Planning Director.

B. Types of Performance Bonds

The following types of performance bonds may be filed with the City:

1. Insurance bond

The petitioner shall post an insurance bond securable to the City in the amount equivalent to one hundred ten percent (110%) of the applicants estimated cost of completion of the required public improvements.

2. Certified check

In lieu of a bond, the petitioner may submit a certified check made payable to the City in an amount equivalent to one hundred ten percent (110%) of the applicants estimated cost of completion of the required public improvements.

3. Certificate of deposit

In lieu of a bond, the petitioner may submit a certificate of deposit made out to the City and developer in an amount equivalent to one hundred ten percent (110%) of the cost of completion of the required public improvements. All interest accrued on the certificate of deposit shall be payable to the developer.

4. Other methods of assurance

Other methods of assurance of completion of improvements may be approved subject to the discretion of the City Attorney.

C. Force and Effect of Bond

A performance bond shall be deemed by the Planning Director or his designee to be in full force and effect until the time the bond is released by official action and written notice by the Planning Director or his designee. If the developer has not satisfactorily completed the bonded improvements within twenty-four (24) months of the date of acceptance of the original performance bond, the City reserves the right to require the developer to re-submit current bond estimates and, if deemed necessary by the City, re-submit updated performance bonds.

D. Performance Bond Released/Maintenance Bond Received

1. Upon completion of the public improvements within a subdivision or development (or sections thereof), the developer's engineer shall request inspection, submit a certificate of completion and compliance, and submit as-built plans of the improvements. Upon receipt of this request, the Planning Director and / or other appropriate City representatives shall inspect the improvements and submit a recommendation to the Planning Director. Any deficiencies found in the design and workmanship of public improvements shall be corrected by the developer prior to release of the performance bond.
2. At such time as the public improvements are acceptable to the Administrator or his designee, the Administrator shall release the performance bond in lieu of a three-year maintenance bond. The amount of the maintenance bond shall be equal to or greater than twenty percent (20%) of the corresponding performance bond. Maintenance bonds shall be in one (1) of the forms as deemed acceptable for performance bonds. Maintenance bonds shall also be required after acceptance of completed improvements for which no performance bond was posted.

E. As-Built Plans Required

As a condition for release of a performance bond, the developer shall have met the requirement to record Construction Plans (as-built plans) as required by this Ordinance.

F. Release of Maintenance Bond

At least sixty (60) days prior to the expiration date of a maintenance bond, it shall be the responsibility of the developer to make a written request to the Administrator for final inspection and full acceptance of responsibility of the public improvement. Upon receipt of the request, the Administrator shall instruct the Building Department and other appropriate representatives to inspect the improvements. Any deficiencies found in the workmanship or materials shall be corrected by the developer prior to release of the maintenance bond. At the time the improvements are acceptable to the Planning Director, the Planning Director shall release the maintenance bond and the City shall thereby assume full and permanent responsibility for maintenance of the public improvement.

G. Acceptance by the City

Construction and maintenance of a public improvement shall be deemed as the full responsibility of the developer until the public improvement is accepted by official action and written notice by the Planning Director. Expiration of a maintenance bond does not relieve a developer from the responsibility of having the public improvements meet City standards and specifications prior to official acceptance by the City. Such improvements shall be completed to the satisfaction of the City Engineer, and the applicant shall dedicate such improvements to the City or County free and clear of all encumbrances.

Section 152.022 Inspection of Public Improvements

If the participating jurisdiction finds upon inspection that any of the public improvements have not been constructed in accordance with the approved construction plans, the applicant shall be responsible for completing the public improvements according to such plans. Where the cost of the public improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the public improvements according to specifications.

Section 152.023 Recording of Subdivision Plat

A. Legal Effect of Subdivision

The plat of the subdivision is without legal effect unless and until approved and signed by the Plat Committee as herein provided and filed with the Auditor and the Recorder of Montgomery County. Unless the plat is duly recorded within 90 days from the date of the secondary plat approval, the Plat Committee approval of the plat shall expire and shall be of no effect until subsequently reinstated by the Plat Committee.

B. Extension

Recording of a secondary plat upon granting of secondary approval may be extended by the Plan Commission until improvements are completed and the plat is signed if it is the intention of the petitioner to complete the improvements before the plat is signed rather than posting a performance bond.

C. Subdivision of land by reason of leasehold interest only

This provision requiring the recording of a subdivision plat upon the granting of secondary approval may be waived by the Plan Commission in the case of development of land coming within the definition of subdivisions under this Ordinance solely by reason of the division of land by reason of leasehold interests only. In such case, the subsequent transfer of ownership of any portion or parcel thereof by other than leasehold interest, shall require the same to be resubmitted to the Plat Committee for approval under the terms of this Ordinance, including recording.

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Design and Improvement Standards and Regulations

Section 152.024 Character of the Land

A. Unsuitable land

Any land which is unsuitable for subdivision or development because of improper drainage, steep slopes, rock formations, adverse earth formation or topography, utility easements or other features which might reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer to solve the problems created by the unsuitable land conditions. Such land shall be set aside for those uses permitted by the Crawfordsville Zoning Ordinance which do not involve any such danger.

B. Inclusion of a thoroughfare

Whenever a tract to be subdivided embraces any part of a major street, boulevard or parkway, this part of the proposed public way shall be platted by the applicant and the locations and the widths indicated. Due consideration shall also be given by the applicant and owners of adjoining property for the provisions 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 Comprehensive Plan.

Section 152.025 Subdivision Names

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or Mobile Home Park within the jurisdiction of the Crawfordsville Plan Commission. The Commission shall reserve final authority to designate the name of the subdivision at the time of preliminary approval.

Section 152.026 Political and Jurisdictional Boundaries

To eliminate potential jurisdictional disputes, and to facilitate effective coordination and control of development, the Commission shall be guided by the following policy:

A. Access via another government's jurisdiction

Whenever access to the subdivision is required to cross land within another local government jurisdiction, the Commission shall request assurance from the attorney for said jurisdiction that such access is legally established, and from the designated engineer for said jurisdiction that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road.

B. Delineation of lot lines

Lot lines shall be laid out so as not to cross boundary lines between adjacent units of local government, each of which has a separate, autonomous governing body.

Section 152.027 Material and Construction Control

To assure compliance with good engineering practices, the applicant shall be required to follow the latest issue of the "Crawfordsville Standards", as amended from time to time, for material and construction control, except when different specifications are explicitly prescribed in these regulations or adopted and approved by rule by the Commission.

Section 152.028 Boundary Line Markers and Monuments

A. General

All markers/monuments will be properly set flush with the ground and approved by a registered land surveyor prior to the time the Commission grants secondary approval to the plat.

B. External Boundaries

1. The applicant shall place monuments at the intersection of all lines forming angles in the boundary of the subdivision and at all intersections of street right-of-way lines and at the beginning and end of all curves along street right-of-way lines.
2. Monuments shall be of an iron or steel solid bar at least 30 inches in length and not less than 5/8 of an inch in diameter, or of concrete with dimensions of four inches square-or four inches in diameter at least 30 inches in length and marked with a cross, brass plug, iron rod or other durable material securely embedded so that the top of the dowel is flush with the top of the monument. Monuments shall be set following grading of each phase of the subdivision.

C. Internal Boundaries

1. The applicant shall place markers, unless otherwise located by a monument, at all points where lot lines intersect street right-of-way lines, at all angles in the lot property lines, and at all other lot corners.
2. Markers shall be galvanized steel or wrought iron pipe or steel bars at least 5/8 of an inch in diameter and at least 24 inches in length. They shall be set prior to the issuance of any building permit.

Section 152.029 Block and Lot Requirements

A. Blocks

1. Blocks shall have sufficient depth to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted for perimeter lots, in blocks adjacent to major streets and railroad right-of-ways and industrial/commercial areas.
2. The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated and in compliance with the Crawfordsville Zoning Ordinance and amendments thereto.

B. Lots

1. Lot arrangements shall be designed in such a way that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits or Improvement Locations Permits to build on all lots in compliance with the Crawfordsville Zoning Ordinance and other regulations; and in providing safe driveway access to buildings on such lots from an approved street.
2. Lot dimensions shall not be less than the minimum requirements specified by the Crawfordsville Zoning Ordinance and amendments thereto, for the district in which the lot is located.
3. Side lot lines shall be at right angles to straight street lines and radial to curved street lines. The Commission may consider variations from this rule if such result in a street or lot plan which better serves the purposes of this Ordinance.
4. Building set-back lines for individual lots shall follow the requirements of the Crawfordsville Zoning Ordinance, and amendments thereto, for the district in which the lot is located.
5. Provisions shall be made for off-street parking in the subdivision design following the requirements of the Crawfordsville Zoning Ordinance, and amendments thereto, for the district in which the lot is located.
6. Double frontage and reversed frontage lots shall be discouraged except where necessary to provide separation of residential development from arterial streets, or to overcome specific disadvantages of topography and orientation. The use of frontage roads to allow residential development to front on arterial streets is encouraged.
7. All lots shall abut on a street which is accessible to an established public street already in use.
8. Lots shall be laid out so as to provide drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
9. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left deposited on any lot or street at the time the buildings are ready for occupancy.

10. An applicant may be required to furnish and install fences wherever the Commission determines that a hazardous condition exists. Fencing shall be constructed according to the provisions to the Crawfordsville Zoning Ordinance, and amendments thereto.
11. Except where alleys are provided for this purpose, each lot shall have an easement for utilities along the front or side.
12. When the terrain so requires, easements for sanitary sewers along lot lines other than the front lot lines shall be provided.

Section 152.030 Streets

A. General requirement

In order to provide subdivision streets of suitable location, width and construction; and to afford access to police, fire fighting, snow removal, sanitation and road maintenance equipment; and to coordinate subdivision street development with the existing street system and the Comprehensive Plan, all subdivision streets in the secondary plat submitted for approval shall be designed in accord with the standards set forth in this Section, as amended from time to time, as well as the City of Crawfordsville Specifications adopted by the Board of Public Works and Safety, as amended from time to time. In the event that there is a conflict between this Ordinance and the Specifications adopted by the Board of Public Works and Safety, the more restrictive standard shall apply.

B. Arrangement standards

The layout of subdivision streets shall conform to the following:

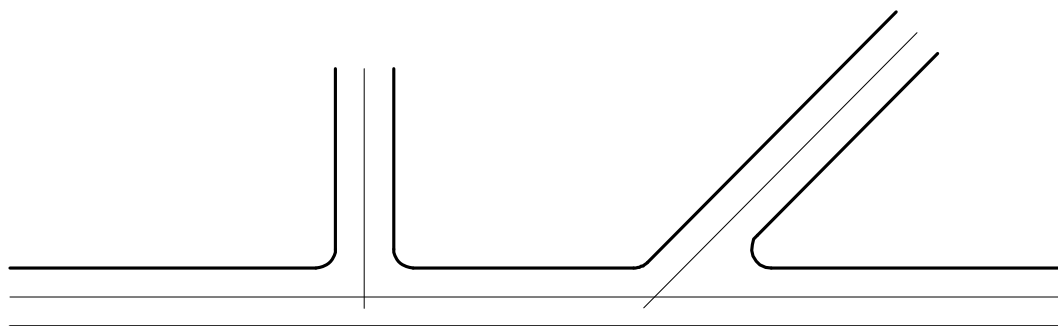
1. Local streets shall be so arranged as to discourage their use by through traffic.
2. Subdivision streets shall extend to the boundary lines of the subdivision tract and be installed as stub-streets in order to provide for their future extension into adjacent areas.
3. Streets and access ways in business and industrial developments shall be planned in connection with the grouping of buildings, the location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, walkways, and parking areas so as to minimize conflict of movement between the various types of vehicular and pedestrian traffic.
4. All streets and alleys shall have a clear vertical clearance from the roadway surface to any overhead obstruction of at least fifteen (15) feet.

C. Intersection standards

The following standards shall apply to all subdivision street intersections:

1. With the exception of roundabouts, the centerlines of intersecting streets shall intersect as near as possible at right angles (90 degrees), in which case the intersecting angles of said streets shall be no less than seventy-five (75) degrees. All intersections are subject to approval of the Plan Commission.

Figure 1: Intersection Centerlines and Angles



2. The simultaneous intersection of streets resulting in traffic from more than four (4) streets is prohibited.
3. The property, or right-of-way lines, of corner lots at street intersections shall be rounded at the corner with an arc, of at least fifteen (15) feet minimal radius, drawn tangent to each of the intersection property lines.
4. The minimum distance between the centerlines of parallel or approximately parallel streets intersecting a cross-street from opposite directions shall be one-hundred twenty-five (125) feet.
5. The maximum slope approaching an intersection shall be eight percent (8%).

Figure 2: Distance between Cross-streets

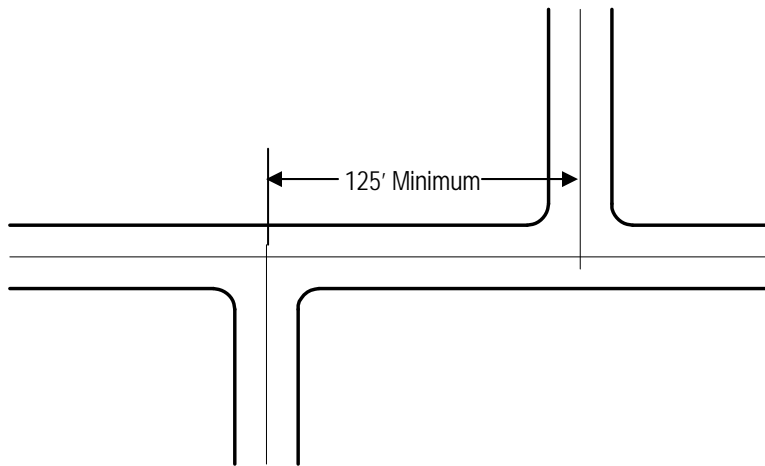
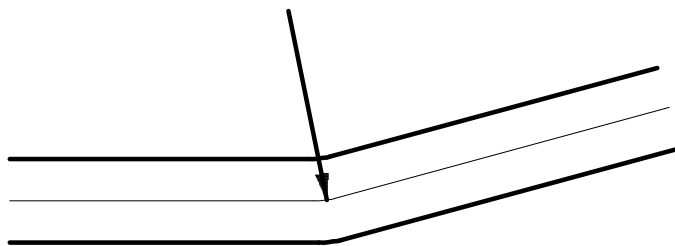


Figure 3: Minimum Radius



D. Curves

The following standards shall apply to all subdivision street curves:

1. When the street centerlines deflect more than ten (10) degrees, the minimum radius of horizontal curvature, measured on the centerline of the street, shall be:

Table 1: Minimum Radius of Horizontal Curvature

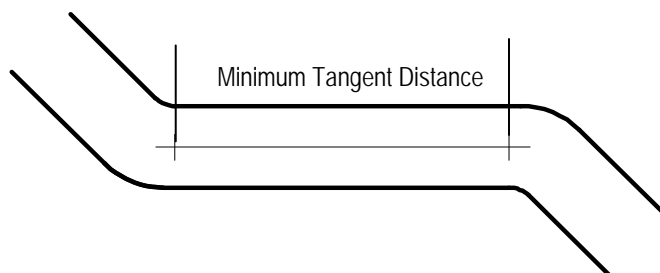
Category	Minimum Radius in Feet
Arterial	600
Collector	400
Local	200
Cul-de-sac	100
Alley	100

2. The minimum tangent distance between reversed curve shall be:

Table 2: Minimum Tangent Distance Between Reversed Curve

Category	Minimum Tangent in Feet
Arterial	500
Collector	350
Local	200
Cul-de-sac	100
Alley	100

Figure 4: Minimum Tangent Distance



E. Topography

1. Subdivision streets shall be arranged in proper relation to the topography in a manner which results in usable lots, safe streets and acceptable gradients; and in a manner which does not cause unnecessary destruction of drainage courses, trees and other natural features of the land.
2. Rectangular, "gridiron" streets shall be avoided, and the use of curvilinear streets shall be encouraged where such use will result in a more desirable layout and topographical relationship. Innovative, varying geometrical street patterns shall be encouraged where such provide a sense of order and enhance esthetic interest.
3. Right-of-way widths in excess of the standards specified by these regulations shall be required whenever additional width is necessary, due to topographical conditions, to provide for adequate and stable earth slopes. Such slopes shall not be in excess of a three to one (3:1) height to width ratio.

F. Alleys

Alleys may be allowed in all commercial and industrial districts. Alleys shall not be permitted in residential districts except where justified by unusual conditions or consistent with the proposed development pattern.

G. Cul-de-sacs/dead end streets

Cul-de-sacs shall not be permitted in any district where such are in conflict with the Comprehensive Plan. No permitted cul-de-sac shall provide principle frontage to more than twenty (20) lots or be longer than five hundred (500) feet, including a turn-around, whichever is less. Whenever a collector street exclusively serves an industrial or commercial area, a cul-de-sac of up to one thousand (1,000) feet in length may be allowed. This special provision shall be allowed only in areas where access is difficult or which are otherwise unsuitable for normal subdividing. The minimum radii for cul-de-sacs shall be as prescribed in the City of Crawfordsville Specifications adopted by the Board of Public Works and Safety, as amended from time to time.

H. Continuation of streets, alleys and easements

Whenever a dedicated or platted portion of a street, alley or easement exists adjacent to a proposed subdivision, the continuation of the street, alley or easement right-of-way at the prescribed width, shall be platted within said subdivision unless the Commission deems such continuation unnecessary.

I. Minimum right-of-way and pavement widths

Subdivision streets and alleys shall be designed in accordance with the City of Crawfordsville Specifications adopted by the Board of Public Works and Safety, as amended from time to time.

J. Construction standards

All subdivision streets shall be constructed according to the following standards:

1. Subdivision streets shall be completed to the grades specified on their respective plans, profiles and cross-sections as approved by the Commission.
2. The minimum specifications for subdivision street construction and materials shall be as set forth in the applicable sections of the "Crawfordsville Standards," as amended from time to time, except where the Commission has by rule adopted a different set of standards and specifications, or as required in this Ordinance. Street surfaces shall be of a character suitable for expected traffic and shall be in harmony with similar improvements in the surrounding area.

K. Railroads and limited access highways

If a proposed subdivision plat adjoins a railroad right-of-way and/or a limited access highway, the following requirements shall apply:

1. In all residential districts, a buffer strip of at least twenty-five (25) feet in depth, in addition to the normal lot depth required for such districts by the Zoning Code in Chapter 153 and amendments thereto, shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the submitted preliminary plat as follows: "This strip is reserved for screening. The placement of structures hereon, other than earth berms, walls, fences and other landscape screening devices approved by the Commission is prohibited."
2. In all districts, streets running parallel to a railroad right-of-way shall be located at least one hundred fifty (150) feet from said right-of-way upon intersecting with a street which crosses the railroad at grade.

L. Street names

Subdivision street names shall not duplicate any existing street name within the County except in the case of a direct extension. Street names that are spelled differently from, but sound the same as, existing streets shall not be allowed. In no instance shall any street name include the word north, south, east or west, unless it denotes a geographic location. In event of a conflict, the Plan Commission shall have final authority to name all streets upon granting preliminary or secondary plat approval.

M. Street dedications and reservations

1. All subdivision streets shall be dedicated to public use. The Commission may consider allowing private streets in the event of unusual physical conditions and if the applicant can provide evidence that a private street is the only feasible solution. Such private streets may be authorized provided that the standards applied in their construction comply with this Section and the Crawfordsville Specifications adopted by the Board of Public Works and Safety, and that adequate covenant provisions are made for direct responsibility and control, by the property owners involved, for the perpetual operation, liability and maintenance of said private streets at no expense to the City.
2. Subdivision street systems shall be laid out in a manner which eliminates or avoids new perimeter half-streets. When an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the applicant. The Commission may authorize a new perimeter street where the applicant improves and dedicates the entire required right-of-way width within his own subdivision's boundaries.
3. Whenever a proposed subdivision borders an existing street, the Commission may require the reconstruction or widening of such street as a condition of preliminary or secondary plat approval. Land reserved for any street purposes may not be counted in satisfying the yard or area requirements of the Zoning Ordinance in Chapter 153 or amendments thereto.

Section 152.031 Traffic Control Devices

A. Installation of street signs

The applicant shall install street name signs in accordance with the standards adopted by the Commission and the Board of Public Works and Safety, and the Manual on Uniform Traffic Control Devices of Indiana. One sign shall be installed at each intersection indicating the name of each intersecting street. Other regulating signs are the responsibility of the City or County.

B. Installation of warning signs and other traffic control devices

The City shall be responsible for the installation of all warning signs and other traffic control devices, except where warranted in industrial and commercial areas. The developer may be required to pay the cost of the study to establish a need for said traffic signal as well as the installation and interconnection of said traffic signal.

Section 152.032 Sidewalks

A. Location.

Sidewalks shall be provided by the applicant on each side of all streets within the subdivision.

B. Provision of easements

The Commission may require perpetual, unobstructed easements, at least ten (10) feet in width, in order to facilitate pedestrian access from the street to schools, parks, playgrounds or other nearby streets. Such easements shall be indicated on both the preliminary and secondary plats.

C. Grading

Grading of the entire right-of-way shall be provided for the location of sidewalks one (1) foot from front lot lines, and a proper grade shall be provided by the applicant according to the standards shown on the plans, profiles and cross-sections approved by the Commission.

D. Dimensions

Subdivision sidewalks shall be in conformance with the following minimum requirements:

Table 5: Minimum Requirements for Sidewalks

District	Easement (ft)	Pavement (ft)
Residential	10	4
Non-residential	10	4

Section 152.033 Curbs and Gutters

A. Installation requirement

The applicant shall be required to install curbs and gutters on each side of any subdivision street surface, except as provided in Division (B) below, constructed of concrete. Curbs may be vertical curb, integral curb and gutter or separate curb and gutter. Roll curbs are expressly prohibited within the jurisdiction of the Crawfordsville Plan Commission.

B. Exceptions

Curbs and gutters may be omitted in any subdivision if all of the following conditions are met:

1. When final topography, street longitudinal profiles, and drainage system designs are acceptable.
2. When adequate provisions are made in the protective covenants running with the land to permit access to, and freedom from, obstruction of the drainage system.
3. When the street is properly acceptable to the Commission as a local street.
4. When every lot fronting on a street has a minimum lot area of forty thousand (40,000) square feet and a minimum width of one hundred fifty (150) feet.

Section 152.034 Drainage and Storm Sewers

All drainage and storm sewers shall conform to the Crawfordsville Stormwater Drainage Control Ordinance, as amended from time to time.

Section 152.035 Water Facilities

A. General requirements

The applicant shall extend or create a water supply system capable of providing water for domestic use and fire protection. The applicant shall, where a public water main is accessible, install adequate water facilities, including fire hydrants, subject to State and Local requirements and approvals, the requirements of this Ordinance and amendments hereto, and such requirements as the Commission may adopt by rule.

B. Fire hydrants

For all subdivisions served by quasi-public water systems, fire hydrants for residential use shall be located not more than 750 feet apart and within 500 feet of any structure, and shall be of a design approved by the Commission and the Fire Department. For higher risk areas, different spacing of the hydrants may be required by the Fire Department.

C. Water systems

The applicant shall install a subdivision water system by one of the following methods:

1. Quasi-public utility

A complete water main system connected into the water main system of a utility company authorized to operate within the area where the subdivision is located and which is subject to the control of the Indiana Utility Regulatory Commission. The Applicant shall submit plans for the complete installation of the subdivision water main system showing size, location, depth, material and all connections for approval of the appropriate Board of Health and/or the Indiana Department of Environmental Management prior to application for secondary plat approval.

2. Private

A community water supply system including wells, pumps and all appurtenances necessary to supply a minimum pressure of forty (40) pounds per square inch. The applicant shall submit plans showing the location, depth, size and material of mains, valves and connections for the approval of the appropriate Board of Health and/or the Indiana Department of Environmental Management prior to application for secondary plat approval.

3. Individual wells

If the applicant submits acceptable evidence to the Montgomery County Board of Health and the Commission that neither of the above two water systems is necessary due to low density of the development, the lack of limiting physical site conditions, or the proximity of the development to existing or planned public or quasi-public water systems, then the Commission may permit an individual water supply for each lot in the development subject to compliance with all of the requirements of and approval by the Montgomery County Board of Health.

Section 152.036 Sanitary Sewage Facilities

A. General requirements

The applicant shall install sanitary sewer facilities in a manner prescribed by this Ordinance, and amendments hereto, and by requirements adopted by Commission rule. All attendant plans shall be designed in accordance with the rules, regulation and standards of the County Board of Health and all other appropriate county, state and federal agencies.

B. Sewerage locations

Sanitary sewers shall be located within street or alley right-of-ways or utility easements unless topographic conditions require an alternative location.

C. Manholes

Manholes shall be placed in public right-of-ways where a sewer line in a private easement intersects such public right-of-way. Access shall be provided for all manholes located in private property easements.

D. Type of installation

The applicant shall install a subdivision sanitary sewerage system by one of the following means:

1. Municipal

A complete system which conveys sewage into an established municipal or other public agency sanitary sewage disposal and treatment system, and which is approved in writing by said municipal or public agency. The applicant shall submit plans, prepared by a registered land surveyor at the applicant's expense, showing all location, materials, size, profiles and connections at the time of application for secondary approval.

2. Private

A complete sanitary sewage system to convey sewage to a treatment plant provided by the applicant, or others, in accordance with the requirements of the Montgomery County Board of Health and the Indiana Department of Environmental Management.

3. Individual septic systems

If the applicant submits acceptable evidence to the Montgomery County Board of Health and the Commission that neither of the above two sewage systems is necessary due to low density of the development, the lack of limiting physical site conditions, or the proximity of the development to existing or planned public or quasi-public sanitary sewer systems, then the commission may permit individual sanitary sewer systems for each lot in the development subject to compliance with all of the requirements of and approval by the County Board of Health.

E. Pre-annexation agreement required

Where a proposed subdivision lies outside of the corporate boundaries of the city and intends to connect to the City's municipal sanitary sewage disposal and treatment system, the applicant shall prepare and obtain approval of a pre-annexation agreement from the Board of Works prior to secondary plat approval.

Section 152.037 Utilities

A. Location

All utility lines, including but not limited to, gas, electric power, telephone and CATV cable shall be located underground throughout the entire subdivision and all utility service connections shall be installed at the applicant's expense to a property line of each platted lot.

B. Easements

1. Easements shall be provided for public, quasi-public and private utilities. Such easements shall be at least ten feet wide on each side. The applicant shall establish all necessary coordination of proposed subdivision easements with existing adjoining easements with all applicable utility providers.
2. Where topographical or other conditions make the inclusion of utilities along rear lot lines impractical, perpetual, unobstructed easements, at least 20 feet in width, shall be provided along side lot lines, with satisfactory access to either the road or rear lot lines.
3. All easements shall be indicated on the submitted secondary plat and all plats shall contain a statement to the effect that all utility easements, as dedicated for use by the utilities on the face of the plat, shall be kept free of all other permanent structures, and the removal of any obstructions shall in no way obligate the utility company in damages or to restore the obstruction to its original form.

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Enforcement

Section 152.038 Enforcement

A. Duties of the Planning Director

1. It shall be the duty of the Planning Director to enforce the provisions of this Ordinance in the manner and form and with the powers provided by this Ordinance, as now or hereafter amended, and as provided under the laws of the State of Indiana.
2. It shall be the duty of the Planning Director to enforce these regulations and to bring any violations or lack of compliance to the attention of the Commission Attorney.

B. Issuance of an Improvement Location Permit or Building Permit

No Improvement Location Permit or Building Permit required under the Zoning Ordinance in Chapter 153 shall be issued for the improvement or construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

C. Authorization to proceed

No public board, agency, commission, official or other authority of the city shall proceed with the construction of, or authorize the construction of, any of the public improvements required by these regulations until the proposed subdivision has been approved by the Commission or Plat Committee in accordance with these regulations.

D. Duties of Legal Counsel

In addition to taking whatever criminal action deemed necessary, legal counsel shall take steps to civilly enjoin any violation of these regulations.

Section 152.039 Restraining Provisions

A. Common Nuisances

Any land within the jurisdiction of the city subdivided in violation of the terms of this Ordinance after the effective date hereof, is hereby declared to be a common nuisance which may be restrained, enjoined or abated in any appropriate action or proceeding.

B. Injunctive Relief

1. The Commission may institute an injunction suit requesting that an individual, or governmental unit of the city be directed to remove a structure erected in violation of this Ordinance, or to make the same comply with its terms. If the Commission is successful in its suit, the respondent shall bear the costs of the action.
2. The Commission may institute a suit for mandatory injunction requesting that any individual or governmental unit be directed, where such individual or governmental unit has violated any provisions of this Ordinance, to comply with the provisions of this Ordinance. Such action may also be initiated by any property owner who may be especially damaged by any such violations of this Ordinance.

Section 152.040 Methods of Appeal

A. Plan Commission's Decision Final

Any decision or requirement of the Plan Commission made under the authority of this Ordinance is a final decision of the Commission that may be reviewed by certiorari.

B. Plat Committee Decision

Any decision or requirement of the Plat Committee made under the authority of this Ordinance may be appealed to the Commission. A notice of appeal must be filed with the Commission within ten days after a copy of the action of the Plat Committee is mailed to the interested party. Notice shall be given and a hearing held by the Commission. The Commission has the same power as the Plat Committee to approve, disapprove, or impose conditions on the approval of secondary plats. Any decision or requirement of the Plat Committee may not be taken directly to court for review by certiorari until all administrative remedies are exhausted.

Section 152.041 Penalty

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction, shall be fined in accordance with the Official Fee Schedule. Each day the violation continues shall constitute a separate offense.

Definitions

Section 152.042 Purpose

For the purpose of administering and enforcing this ordinance, certain numbers, abbreviations, terms, words, and phrases used by this Ordinance shall be used, interpreted, and defined as set forth below.

Section 152.043 Rules

A. Interpretation

For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:

1. The word "person" includes as individual, firm, association, organization, partnership, trust, company, corporation, or any legal entity.
2. The masculine includes the feminine.
3. The present tense includes the past and future tense; the singular includes the plural.
4. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
5. The words "used" and "occupied" include the words "intended, arranged, designed to be used or occupied."

B. Other words and phrases not defined

1. All other words not herein defined shall be defined according to any recent edition of a dictionary of the American language.
2. Whenever any words and phrases used herein are not defined, but are defined in the Indiana Code, such definition shall be deemed to apply to such words and phrases, unless stated otherwise.

Section 152.044 Words and Phrases Defined

The following pages define the words and phrases used within this Ordinance.

ALLEY. A permanent service way providing secondary means of access to abutting lands.

APPLICANT. Any person who undertakes the subdivision of land as defined herein. The applicant may be the owner or the authorized agent of the owner of the land to be subdivided.

BLOCK. Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets and railroad rights-of-way, waterways, unsubdivided areas or other definite barrier.

BOARD OF WORKS. The Board of Public Works and Safety of the City of Crawfordsville, Indiana.

BUILDING. Any structure, or part thereof, affixed to the land.

BUILDING SETBACK LINE. A line extending across a lot establishing the minimum open space to be provided between the front line of buildings and the front lot line.

CLEAR SIGHT TRIANGLE. An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street lines.

COMMISSION or PLAN COMMISSION. The Plan Commission of the city.

COMPREHENSIVE PLAN. The Comprehensive Plan of Crawfordsville, on file with the City Clerk-Treasurer, indicating the general locations recommended for circulation facilities, community improvements and land uses.

CONDOMINIUM. A condominium development, formerly referred to in Indiana as Horizontal Property Regimes, is a real estate term in which a portion is designed for separate ownership and the remainder of the real estate is designated for common ownership solely by the owners of the portions. The total land stays under one ownership interest while the buildings located on that undivided ground is sold to homeowners.

CONTIGUOUS UNINCORPORATED AREA. That area including all or part of the area within the two-mile extra-jurisdictional territory as illustrated by the 2 Mile Zone Map, as amended from time to time.

CROSSWALK. A public right-of-way which crosses a block to furnish access for pedestrians to adjacent streets or properties.

CUL-DE-SAC. A short street having one end open to traffic and being permanently terminated by a vehicle turn-around.

ENGINEERS. The designated Crawfordsville Engineer or Engineering Consultant of Crawfordsville, Indiana.

HALF STREET. One side of a street divided longitudinally by a property line.

HEALTH BOARD. The Indiana State Board of Health and County Board of Health.

HEREIN. In these regulations.

INSPECTOR. An authorized representative of the City assigned to make any or all necessary inspections of the work performed and materials furnished by the developer.

LOT. A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development. In determining the size of a lot, no part of a street right-of-way or crosswalk may be included. LOT includes the words PLOT, PARCEL and TRACT.

LOT DEPTH. The mean horizontal distance between the front and rear lines of a lot.

LOT, DOUBLE FRONTAGE. A lot, the generally opposite ends of which both abut on streets.

LOT WIDTH. The mean horizontal distance between side property lines of a lot.

PARENT TRACT. A parcel as listed in the Crawfordsville Auditor's Transfer Book as of February 8, 1993.

PERSON. Includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.

PLAT. A map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

REGULATIONS. The regulations of this Ordinance.

STREET. A right-of-way which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, drive or other appropriate name. All streets shall also be identified in accordance with the Crawfordsville Comprehensive Plan as one of the following:

- a. Arterial streets: Streets providing for traffic movements between traffic generation areas.
- b. Collector streets: Streets providing connection primarily between arterial streets or arterial and local streets.
- c. Local Streets: Streets serving primarily as access to abutting properties not intended as major arteries carrying through-traffic.

SUBDIVISION. The division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels of land or the division thereof by means of streets and alleys, parking areas or leaseholds, for the purpose, whether immediate or future, of transfer of ownership or leaseholds for residential, commercial or industrial purpose. This definition shall not include division of land for agricultural purposes only, provided that said division of agricultural land does not involve the creation of any new street or easement of access, or the sale of lots or exchange of parcels between adjoining lot owners that does not create additional building sites, or the transfer or sale of condominiums pursuant to IC 32-1-6.

USED or OCCUPIED. Include the words "intended, arranged, or designed to be used or occupied."


WATERCOURSE. The word watercourse shall include channel, creek, ditch, drain, river and stream.

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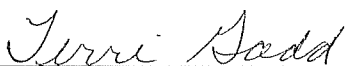
ORDINANCE NO. 5-2009

AN ORDINANCE AMENDING THE SUB-DIVISION CONTROL ORDINANCE FOR
THE CITY OF CRAWFORDSVILLE, INDIANA


Adopted and passed by the Common Council of the City of Crawfordsville, Indiana,
this 9th day of March, 2009.


Charles E. Coons, Mayor &
Presiding Officer


PRESENTED TO ME BY THE MAYOR OF THE CITY OF CRAWFORDSVILLE,
INDIANA, THIS 9th DAY OF March, 2009.


Terri Gadd, Clerk Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME, THIS 9th DAY OF
March, 2009.


Charles E. Coons, Mayor

ATTEST:


Terri Gadd, Clerk Treasurer
City of Crawfordsville

General Provisions. (A) All provisions of existing ordinances in conflict with this ordinance are hereby repealed.

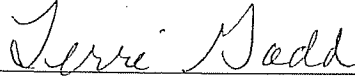
(B) In the event that any provision of this ordinance is held to be invalid by a court of competent jurisdiction, all other provisions of this ordinance not otherwise invalidated shall remain in full force and effect.

(C) This ordinance shall be effective upon passage.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, INDIANA, THIS 9th DAY OF MARCH, 2009.


Charles E. Coons, Mayor & Presiding Officer


ATTEST:


Terri Gadd, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Crawfordsville, Indiana, this 9th day of March 2009.


Terri Gadd, Clerk-Treasurer

APPROVED by me as Mayor of the City of Crawfordsville, Indiana, this 9th day of March, 2009.


Charles E. Coons, Mayor
City of Crawfordsville, Indiana

RESOLUTION NO. 2-2009

A RESOLUTION OF THE PLAN COMMISSION OF THE
CITY OF CRAWFORDSVILLE, INDIANA
APPROVING PROPOSED CHANGES TO
THE SUBDIVISION CONTROL ORDINANCE
AND CERTIFYING THOSE CHANGES TO THE COMMON COUNCIL

WHEREAS, pursuant to Indiana Code 36-7-4-700 et seq. the Plan Commission of the City of Crawfordsville, Indiana ("the Commission") has brought forth and considered proposed changes and amendments to the subdivision control ordinance of the City;

WHEREAS, pursuant to Indiana Code 36-7-4-701(b) and 36-7-4-604, the Commission has held at least one public hearing with published notice and considered various public comments on the proposed changes and amendments to the subdivision control ordinance;

WHEREAS, certain revisions were made to the proposed changes and amendments to the subdivision control ordinance as a result of input from the public and the Commission and its staff, and those revisions satisfy the Commission; and

WHEREAS, the present current subdivision control ordinance of the City is outdated and of little practical use in land use control matters;

NOW, THEREFORE, pursuant to Indiana Code 36-7-4-701(b) and 36-7-4-605, and having considered the proposed changes and amendments to the subdivision control ordinance and held at least one public hearing as required by law, the Crawfordsville Plan Commission now approves the proposed changes and amendments to the subdivision control ordinance of the City of Crawfordsville, as attached to this Resolution, and certifies same to the Crawfordsville Common Council by a vote of:

7 Plan Commissioners in favor of such recommendation,

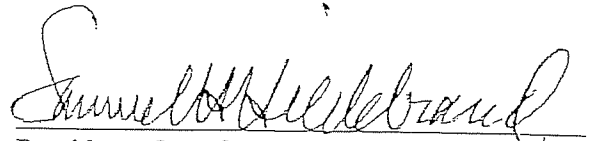
0 against such recommendation, and

2 abstaining or not present.

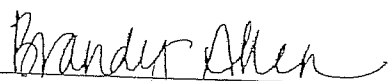
The Director of the Department of Planning & Community Development of the City of Crawfordsville is hereby directed to forward this Certification, along with a copy of the proposed changes and amendments to the subdivision control ordinance, as adopted by the Commission, to the Crawfordsville Common Council for its consideration pursuant to Indiana Code 36-7-4-607/609.

So resolved and certified by Crawfordsville Plan Commission, this 20th day of

January, 2009.


President, Crawfordsville Plan Commission

ATTEST:


Brandy Allen, Director, Department of
Planning & Community Development