



Subdivision Control Ordinance

Ordinance Number: 16-2008

Adoption Date: July 28, 2008

Revised Subdivision Control Code of Rensselaer, Indiana
Ordinance No. 16-2008

An ordinance to repeal ordinance No. 29-93, as amended, passed by the City Council of the City of Rensselaer, Indiana on the 13th day of December, 1993, and to replace it with a new ordinance entitled "Subdivision Control Ordinance of the City of Rensselaer, Indiana", Which will replace "Chapter 22 Revised Subdivision Control Ordinance" with a new "Chapter 22 Subdivision Control Ordinance".

Be it ordained by the City Council of the City of Rensselaer, Indiana under authority of the Indiana Advisory Planning Law [I.C. 36-74], and all acts amendatory or supplemental thereto, General Assembly of the State of Indiana:

ARTICLE 1

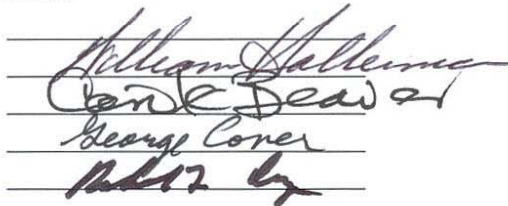
The Code of the City of Rensselaer, Indiana, is hereby amended by repealing the text of Chapter 22, Revised Subdivision Control Code, in its entirety, and by replacing it with a new Chapter 22, Subdivision Control Ordinance, shall read as follows:

ARTICLE II

This Ordinance shall take effect immediately upon its passage and approval in accordance with the provisions of the Advisory Planning Law, by the Common Council of the City of Rensselaer, Indiana

Passed by the Common Council of the City of Rensselaer this 28 day of July, 2008.

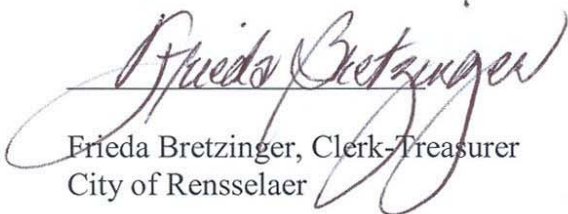
AYE


William Hallenma
Candace Deaton
George Conner
M. L. L.

NAY

ATTEST:

APPROVED:


Frieda Bretzinger, Clerk-Treasurer
City of Rensselaer

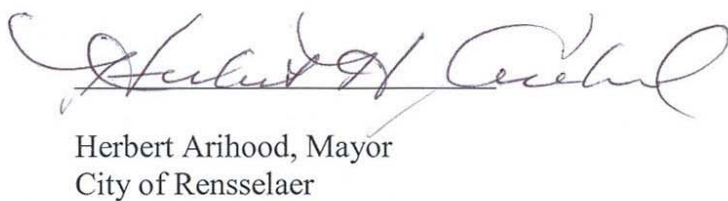

Herbert Arihood, Mayor
City of Rensselaer

Table of Contents

Section A: General Provisions.....	1
a) Title.....	3
b) Authority	3
c) Jurisdiction	3
d) Purpose.....	3
e) Interpretation	4
f) Repeal/Effective Date	5
Section B: Administration	7
a) Advisory Plan Commission	9
b) Building Commissioner.....	11
c) Technical Review Committee	12
d) Enforcement and Remedies	12
Section C: Applications	15
a) Permits and Fees	17
b) Preliminary Plat.....	18
c) Final Plat.....	26
d) Amendment.....	31
e) Exempted Divisions.....	34
f) Waivers	35
g) Vacations.....	36
Section D: Design Standards	37
a) Blocks.....	39



Chapter 28: Rensselaer Subdivision Control Ordinance
Table of Contents

Section D: Design Standards (cont.)

b) Lots..... 39

c) Monuments and Markers 40

d) Easements..... 41

e) Streets, Street Lights, and Street Signs 41

f) Curb and Gutter..... 46

g) Driveways..... 47

h) Sidewalks and Trails 47

i) Natural Features and Open Spaces 48

j) Soils 48

k) Grading, Drainage, Erosion Control and Flood Control 49

l) Water Supply 50

m) Fire Protection..... 51

n) Sewerage Facilities 51

o) Other Utilities 52

Section E: Dedications and Performance Guarantees53

a) Dedications 55

b) Installation of Improvements 55

c) Improvement Guarantees..... 55

d) Acceptance of Improvements..... 58

e) Maintenance of Improvements 59

f) Improvement Credit Procedure..... 59

Section F: Definitions61

a) Usage..... 63

b) Words and Terms 64

Section A: General Provisions

Section Contents

a) Title	3
b) Authority.....	3
c) Jurisdiction.....	3
d) Purpose	3
e) Interpretation.....	4
f) Repeal/Effective Date	5

A. General Provisions

a) Title

This Chapter 22: The City of Rensselaer Revised Subdivision Control Code shall hereafter be referred to as "this Ordinance".

b) Authority

This Ordinance is adopted pursuant to the authority contained in Indiana Code 36-7-4 et seq. Whenever any provision of this Ordinance refers to or cites a section of the Indiana Code (I.C.) and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

c) Jurisdiction

This Ordinance shall be effective within the corporate boundaries of the City of Rensselaer, Indiana, and to those areas outside the incorporated City limits over which the City exercises subdivision control authority. No plat or replat of a subdivision of land located within the jurisdiction of the Commission shall be filed with the Jasper County Auditor and recorded by the Jasper County Recorder unless it has first been granted final approval by the Rensselaer Advisory Plan Commission, and such approval shall have been signed and certified on the final plat by the President and Secretary of the Commission.

d) Purpose

This Ordinance is created for the purpose of:

1. Promoting general public health, safety, comfort, convenience, and welfare;

Chapter 22: Rensselaer Subdivision Control Ordinance

General Provisions

2. Promoting the realization of the Comprehensive Plan and the unincorporated territory within the jurisdiction of the City of Rensselaer;
3. Providing reasonable and other public grounds;
4. Providing developers of land with a procedural guide;
5. Reducing or avoiding congestion in public streets;
6. Preserving the integrity of significant environmental features and natural areas;
7. Ensuring that growth be commensurate with and promote the efficient and economical use of public funds;
8. Defining the powers and duties of administrative officials and establishing procedures for enforcement of the regulations set forth herein; and
9. Accomplishing the purposes of I.C. 36-7-4 et seq.

e) Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the health, safety, comfort, morals, convenience, and the general welfare of the public.

1. In the case of any conflict or inconsistency between two or more provisions of this Ordinance, the provision which imposes the greater or higher standard of performance shall control.
2. In the case of any conflict or inconsistency between the text of this Ordinance and any caption, illustration, figure, or table, the text shall control.
3. Whenever a provision of this Ordinance imposes a greater restriction or a higher standard than is required by:
 - a. Any State or Federal law or regulation, or other County or City ordinance or regulation, the provision of this Ordinance shall apply.
 - b. Any private covenant, contract, commitment, agreement or other similar private land use restriction, the provision of this Ordinance shall apply.
4. Whenever a provision of any State or Federal law or regulation, or other County or City ordinance or regulation imposes a greater restriction or a higher standard than is required

by this Ordinance, the provision of the State or Federal law or regulation, or other County or City ordinance or regulation shall apply; however, this subsection shall not be interpreted to mean that the City is obligated to enforce the provision of any State or Federal law or regulation, or other County ordinance or regulation.

5. Whenever a provision of any private covenant, contract, commitment, agreement or other similar private land use restriction imposes a greater restriction or a higher standard than is required by this Ordinance, the provision of the private covenant, contract, commitment, agreement or other similar private land use restriction shall apply; however, this subsection shall not be interpreted to mean that the City is obligated to enforce the provision of any private covenant, contract, commitment, agreement or other similar private land use restriction.

f) Repeal/Effective Date

1. An ordinance known and identified as Ordinance No.28-93 as amended, passed by the Common Council of the City of Rensselaer, Indiana, on the 28th day of December, 1993; and all ordinances or parts of ordinances in conflict therewith, are hereby repealed to the extent necessary to give this Ordinance, the City of Rensselaer Revised Subdivision Control Code, 2008, full force and effect. This Ordinance shall be effective on _____.
2. All plats, variances or waivers granted prior to the effective date of this Ordinance shall remain in effect, subject to any conditions imposed by the approval authority and any applicable expiration provisions.
3. All applications for land use changes initiated on and after the effective date of this Ordinance shall be reviewed pursuant to the review process and standards set forth in this Ordinance. All applications for land use changes submitted for review prior to the effective date of this Ordinance shall be reviewed pursuant to the process and under the criteria set forth in applicable portions of the regulations in force prior to the effective date of this Ordinance.
4. This entitlement to review all land use applications under prior regulations is limited to review of the then-presently pending stage of the application only; for example, a pending preliminary plat application is reviewed under the prior regulations for primary approval, but once that application is approved, the subsequent (or secondary) plat application is reviewed under the requirements of this Ordinance for final plat approval. Such prior regulations are continued for that limited purpose only. Upon approval or denial of all

Chapter 22: Rensselaer Subdivision Control Ordinance

General Provisions

such remaining applications, the prior regulations shall be deemed repealed. In no event shall resubmission of an application after its rejection or any application filed after the effective date of this Ordinance be reviewed under any such prior regulations.

5. Nothing herein contained shall require any change in the preliminary or final approval of a plat within three (3) years of the date of such approval. However, a previous approval does not apply if the development to which such preliminary or final plat approval relates is not completed within seven (7) years after the development activity is commenced.

Section B: Administration

Section Contents

a) Advisory Plan Commission	9
b) Building Commissioner.....	11
c) Technical Review Committee	12
d) Enforcement and Remedies.....	12

B. Administration

a) Advisory Plan Commission

The Rensselaer Advisory Plan Commission is hereby established with membership and appointment provided in accordance with I.C. 36-7-4-207 - 215, and all acts now or hereafter amendatory thereto. The Commission shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this Ordinance.

1. Organization. At the first regular meeting each year the Plan Commission shall elect from its membership a president and a vice president. The Commission may appoint, prescribe the duties, and fix the compensation of such employees as are necessary for the duties of the Commission.

- a. Duties. The Plan Commission shall:

- i. Supervise, and make rules for, the administration of the affairs of the Commission;
- ii. Prescribe uniform rules pertaining to investigations and hearings;
- iii. Keep a complete record of all the departmental proceedings;
- iv. Record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Commission;
- v. Prepare, publish, and distribute reports, ordinances, and other material relating to the activities authorized by I.C. 36-7-4;
- vi. Adopt a seal; and
- vii. Certify all official acts.

Chapter 22: Rensselaer Subdivision Control Ordinance Administration

2. Recommendations. The Plan Commission shall make recommendations to the legislative body concerning:
 - a. The adoption of the comprehensive plan and amendments to the comprehensive plan.
 - b. The adoption or text amendment of:
 - i. An initial zoning ordinance;
 - ii. A replacement zoning ordinance; or
 - iii. A subdivision control ordinance.
 - c. The adoption or amendment of a PUD district ordinance.
 - d. Zone map changes.
3. Decisions. The Plan Commission shall render decisions concerning:
 - a. Plats;
 - b. Replats; and
 - c. Amendments to Plats
 - d. Subdivision waivers
4. Meetings. The Plan Commission shall fix a time for holding regular meetings each month or as necessary.
 - a. Public record
 - i. The Commission shall keep minutes of its meetings; and
 - ii. The minutes of the Commission meetings and all records shall be filed in the office of the Commission and are public records.

b) Building Commissioner

The Building Commissioner is hereby designated and authorized to enforce this Ordinance.

1. Responsibility of the Building Commissioner. The official assigned to administer and enforce the provisions of this Ordinance is designated the Building Commissioner. It is the intent of this Ordinance that all questions of interpretation of provisions of this Ordinance shall be first presented to the Building Commissioner.
 - a. The Building Commissioner shall be appointed in accordance with the provisions of Chapter 5 of the City Code.
 - b. The authority to perform inspections, review applications, and issue permits required by this Ordinance may be delegated to such other officials by the Building Commissioner.
 - c. In the performance of its duties the Building Commissioner shall be responsible to the Rensselaer Advisory Plan Commission and the Board of Zoning Appeals.
2. Basic Duties of Building Commissioner.
 - a. Issue Improvement Location Permits, Building Permits, Excavation Permits, Sign Permits, and Certificates of Occupancy, and maintain records thereof.
 - b. Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this Ordinance, and report the findings and violations to the Commission and Board for the purpose of ordering compliance thereof.
 - c. Provide interpretation of this Ordinance and other plans and codes when necessary and such technical and clerical assistance as the Commission and Board may require.
 - d. Maintain permanent and current records of this Ordinance and other planning codes including but not limited to, all maps, amendments, permits, certificates of occupancy, variances, conditional uses and appeals, and applications therefore, and records of hearings thereon.
 - e. Review all development and subdivision proposals to ensure compliance with this Ordinance and other plans and codes.

Chapter 22: Rensselaer Subdivision Control Ordinance Administration

- f. Whenever compliance with Rule 5 is indicated in accordance with the requirements of 327 IAC 15-5, review the documentation to be submitted by the "operator" to ascertain if there is compliance with Rule 5 prior to the issuance of any permit or certificate of occupancy. Rule 5 concerns storm water run-off associated with construction activity, and is administered by the Indiana Department of Environmental Management.
- g. Whenever necessary, the Building Commissioner shall notify the owner the proper number of a building in accordance with the requirements of Chapter 29, House Numbering Plan and Street Naming Code.

c) Technical Review Committee

- 1. The Technical Review Committee is hereby established and appointed by the Mayor of Rensselaer.
- 2. Organization. The Technical Review Committee shall be composed of the Building Commissioner, the City Engineer, the Fire Chief, the Police Chief, the Superintendent of Water, Street, Wastewater and Sanitation, the Superintendent of Gas Utility, and the Superintendent of Electric Utility. The Building Commissioner shall be chairman of the Technical Review Committee.
- 3. Duties. The Technical Review Committee shall examine each application when municipal improvements are involved and determine if the proposed improvements meet the requirements of this Ordinance and other codes and ordinances of the City of Rensselaer.
- 4. Recommendations. The Technical Review Committee shall report its findings to the Building Commissioner within five (5) days from their review of an application and before a date can be set for a public hearing.

d) Enforcement and Remedies

Remedies and enforcement of the provisions of this Ordinance are set forth in I.C. 36-7-4-1000, "1000 Series – Remedies and Enforcement."

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1. Violations as Common Nuisance. Any structure erected, raised, or converted, or land or premises used, in violation of this Ordinance, is a common nuisance and the owner or possessor of the structure, land, or premises is liable for maintaining a common nuisance.
 - a. A separate offense shall be deemed to occur for each day the violation continues to exist.
 - b. Nothing herein shall prevent the City of Rensselaer from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.
 2. Complaints. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Building Commissioner.
 3. Enforcement. If the Building Commissioner shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. The Building Commissioner shall order discontinuance of illegal use of land, buildings or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by law to insure compliance with or to prevent violations of the provisions of this Ordinance.
 4. Penalty. Any person or corporation in violation of this Ordinance may be punished subject to an escalating fine amount based on the number of violations, not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) for any single ordinance violation. Any fines prescribed by this Section and as determined by separate ordinance shall be paid to the City of Rensselaer Auditor.

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Section C: Applications

Section Contents

a) Permits and Fees.....	17
b) Preliminary Plat.....	18
c) Final Plat.....	26
d) Amendment.....	31
e) Exempted Divisions.....	34
f) Waivers	35
g) Vacations	36

C. Applications

a) Permits and Fees

Within the jurisdiction of the Commission, no structure, improvement, or use of land may be altered, changed, placed, erected, or located on platted or unplatted lands, unless the structure, improvement, or use, and its location, conforms with the Comprehensive Plan, this Ordinance and other codes and ordinances of the City of Rensselaer.

1. Fees. Applications for preliminary and final plat approval shall be accompanied by the appropriate filing fees, to be paid to the Building Commissioner who shall forthwith pay over to the Clerk-Treasurer to the credit of the General Fund of the City of Rensselaer, Indiana.
 - a. Filing Fees. All applications for preliminary and final plat approval shall be accompanied by the appropriate filing fees, adopted by separate ordinance.
 - b. Fees Must Be Paid. No application for preliminary and final plat approval shall be processed by the Building Commissioner until all applicable fees have been paid in full. If an application for preliminary or final plat approval is made belatedly, and after notice of non-compliance from the Building Commissioner has been made, a late filing fee shall be assessed.
 - c. Fees Not Returnable. No part of any filing fee paid pursuant to this Section shall be returnable to the applicant.
 - d. Publication Costs. In addition to filing fees, the applicant shall meet the cost of publication notices and notices to interested parties, when required.
 - e. Special Meetings. If an applicant requests a special meeting or hearing of the Commission for their convenience, the applicant, petitioner, or appellant shall pay an amount, in addition to the other required fees and costs, equal to the amount paid by the City to the members present at the meeting; provided such meeting is authorized and actually takes place. This requirement does not apply to regularly called meetings, or hearings that would take place at such regularly called meetings.

2. Application for a Building Permit. A Building Permit shall be applied for whenever a Building Permit is necessitated by any improvement associated with an approved plat.
3. Application for an Excavation Permit. An Excavation Permit shall be applied for whenever an Excavation Permit is necessitated by any improvement associated with an approved plat.
4. Inspection. The Building Commissioner may inspect the improvements associated with an approved plat from time to time to ensure compliance with permit requirements and scheduled dates for completion.

b) Preliminary Plat

An applicant desiring approval of a preliminary plat of a subdivision of any land lying within the jurisdiction of the Commission shall comply with the requirements set forth in this Section.

1. The applicant shall file an application with the Building Commissioner for approval of the preliminary plat. The application shall:
 - a. Be made on forms available from the Building Commissioner;
 - b. Be accompanied by any required fee(s);
 - c. Be accompanied by the original, or a reproducible copy of the preliminary plat, and/or any other supporting documents together with the minimum number of copies of the preliminary plat and each exhibit as determined by the Building Commissioner;
2. The preliminary plat shall be prepared by a licensed land surveyor and/or a registered professional engineer at a scale of not more than one (1) inch equals one hundred (100) feet. It may be prepared in pencil, ink, or electronically and the sheets shall be numbered in sequence if more than one (1) sheet is used. All sheets shall be of such size as is acceptable for filing in the Jasper County Recorder's Office, but shall not be larger than eighteen (18) by twenty four (24) inches. The map prepared for the preliminary plat may be drawn on drafting paper, reproducible mylar or electronic media approved by the Building Commissioner. The preliminary plat submittal shall include:

- a. Name of the existing subdivision if property is within an existing subdivision, or proposed subdivision name if not within a previously platted subdivision.
- b. Name and address, including telephone number of legal owner(s) of the property or their agent.
- c. Name and address, telephone number, and registration number and seal of the professional engineer and/or surveyor responsible for subdivision design, for the design of public improvements, and for surveys.
- d. A location map with the application which may be prepared by indicating the data by notations on available maps showing:
 - i. Subdivision name and location;
 - ii. Any thoroughfares related to the subdivision;
 - iii. Existing land use;
 - iv. Location of corporation lines if applicable; and
 - v. Title, scale, graphic scale, north point and date.
- e. Location of property by lot or section, township, range and civil township (metes and bounds), with acreage.
- f. Statement of the proposed use of lots, stating type of residential buildings with number of proposed dwelling units, type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, or congestion of population.
- g. Existing and proposed covenants or deed restrictions to which the property is subject, if any.
- h. A description of the portion of the overall plat of the subdivision intended to be filed for record, including a program for the progressive development of the entire area contained in the overall plat.
- i. Whenever the preliminary plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than one (1) inch equals two hundred (200) feet, a sketch of the entire holdings, including the

Chapter 22: Rensselaer Subdivision Control Ordinance Applications

proposed subdivision area, showing an indication of the probable future street and drainage systems, for the remaining portion of the tract.

- j. A Soil Survey Map from the Jasper County Soil and Water Conservation District showing the soil limitations based upon the intended usage of the development land.
- k. Soil percolation data as to location and the rates of each test hole.
- l. A statement that sediment and erosion control methods shall be provided prior to any clearing, grading, or construction, when development is proposed in areas designated by Jasper County Soil and Water Conservation District as being prone to sedimentation and erosion.
- m. Profiles, typical cross-sections and specifications for proposed street improvements.
- n. Profiles and locations and other explanatory data concerning the installation of sanitary and storm sewerage systems and water distribution system.
- o. Location and size of storm and sanitary sewers and water distribution system.
- p. Evidence of an adequate source of water supply.
- q. Evidence that there has been compliance with Rule 5, specifically:
 - i. The Notice of Intent Letter fee has been sent to the Indiana Department of Environmental Management;
 - ii. A Notice of Intent Letter has been prepared and submitted to the Office of Water Management, Permits Section; and
 - iii. A plan has been prepared and sent to the Jasper County Soil and Conservation District.
- r. If private sewage system, a statement from the Health Officer as to whether private septic systems can be used on this property.
- s. Show the 100 year flood elevation containing lands identified as within a flood hazard area.

- t. If flood plain is involved, a statement from the Indiana Department of Natural Resources, Division of Water concerning construction in floodway including flood plain high water marks, etc.
- u. An evacuation plan for manufactured home parks or subdivisions located within the FO Flood Overlay District or SFHA identified as Zone A.
- v. Show other features or conditions, which would affect the subdivision favorably or adversely.
- w. A statement of the estimated amount of money sufficient to complete the improvements and installations by the applicant and attested to by a registered land surveyor, or a registered professional engineer (when required).

3. The preliminary plat shall show the following features:

- a. Graphic scale, north arrow and date.
- b. The intended use(s) and zoning of the property.
- c. Location and names of all existing and/or platted streets or other public ways within the tract, including roadway widths, approximate gradients, types and widths of pavement, curbs, walks, crosswalks, sidewalks, tree planting and other pertinent data.
- d. The intended location and width of proposed streets and traffic control devices. New streets shall not duplicate other names of streets in the City or County, except for extensions of existing streets
- e. All easements and rights-of-way, and any limitations of such easements and rights-of-way, showing widths and purposes of easements.
- f. The location of property with respect to surrounding property and streets, including the uses and zoning of all adjoining property, the names of adjoining developments, and names of adjoining streets. Identification of adjacent platted land shall be by subdivision plat name, recording data, and number.
- g. Location of property lines, with dimensions and angles, which provide a survey of the tract. If the boundary of the plat is represented by a U.S. Public Land Survey

Chapter 22: Rensselaer Subdivision Control Ordinance Applications

Section Line, two section comers shall be shown for each section line with bearings and distances to each section comer.

- h. Layout of lots, showing dimensions and numbers and the total area in square feet or acres for each lot.
- i. Accurate direction and length in feet and hundredths of feet of each line. Geometrically curved lines shall be identified with sufficient curve data to define the curve. (Curve data include delta angle, radius, chord distance, chord bearing, arc length, tangent length). Lines required to be shown include but are not limited to the following:
 - i. Plat boundary (heavy solid line).
 - ii. Right-of-way lines of streets and alleys (solid line).
 - iii. Easements (dashed line)
 - iv. Lot lines (solid line).
 - v. Lines indicating easements or lot lines to be vacated by the plat (dashed or dotted line).
- j. Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of five (5) feet if the general slope is ten percent (10%) or greater, referenced to sea-level datum and an established bench mark.
- k. Approximate direction and gradient of ground slope, including any embankments or retaining walls.
- l. Approximate area of off-site water shed draining into tract.
- m. The location and results of tests made to ascertain subsurface soil, rock, and ground water conditions. The depth to ground water shall be reported to the Commission unless test pits area dry at a depth of five (5) feet.
- n. Natural features such as water courses, marshes, regulated wetlands, rock outcropping, lakes, wooded areas, and trees one (1) foot or more in diameter.

- o. Man-made features such as burial grounds, railroads, power lines, towers, houses, barns, and other buildings and structures.
- p. Proposed public improvements, such as highways or other major improvements planned by public authorities for future construction on or near the tract.
- q. Location, size, invert elevations, and slopes of existing sewers, water mains, culverts and other underground structures within the tract and existing permanent buildings and utility poles on the tract.
- r. Location of fire hydrants.
- s. Proposals for connection with existing water supply and sanitary sewer systems, or alternative means of providing water supply and sanitary waste disposal and treatment; preliminary provisions for collecting and discharging surface water drainage.
- t. The dimensions and area (in square feet) of all proposed or existing lots.
- u. The total number of lots by purpose (such as single-family, two-family, multi-family, commercial, etc.) and specify the net acreage assigned to each purpose.
- v. The intended location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
- w. Building setback lines with dimensions.
- x. Typical features of driveway entrances.
- y. The location of temporary stakes to enable the local officials to find and appraise features of the proposed layout in the field, if needed.
- z. The location, type, material and size of all monuments and lot markers, including a notation as to whether found or set.
- aa. A certificate for preliminary approval by the Commission, to be signed by the President and Secretary of the Commission.

Chapter 22: Rensselaer Subdivision Control Ordinance Applications

- bb. Certification by a registered land surveyor; and registered professional engineer, as applicable.
 - cc. Certification by the Plan Commission staff for technical conformity.
- 4. Upon receipt of an application for preliminary plat approval, the Building Commissioner shall review the application for technical conformity with the standards fixed in this Ordinance.
 - a. The Building Commissioner shall determine whether the subdivision lies in a flood plain as defined in Section J of the Zoning Ordinance. If the Building Commissioner finds a subdivision to be so located, the applicant shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Building Commissioner shall require appropriate changes and modifications in order to assure that:
 - i. It is consistent with the need to minimize flood damages;
 - ii. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - iii. Adequate drainage is provided so as to reduce exposure to flood hazards;
 - iv. On site waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.
 - b. Preliminary subdivision applications and plats which do not conform to the established subdivision standards, but which specifically request waivers from the published standards, shall be submitted to the Commission for public hearing and consideration. Said waivers shall comply with subsection f, Waivers.
- 5. Within ten (10) days after receipt of an application for preliminary plat approval, the Building Commissioner shall forward the application to the Technical Review Committee for their examination and report.

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6. Within five (5) days after receipt of the Technical Review Committee report, the Building Commissioner shall announce the date for a hearing before the Commission and provide for notice. After the Building Commissioner has announced a date for a hearing before the Commission, the Building Commissioner shall:
 - a. Notify the applicant in writing;
 - b. Cause notice of the hearings by publication in accordance with I.C. 5-3-2 and I.C. 5-3-1-4. Notice to interested parties shall be given at least ten (10) days before the date set for the hearing. The applicant shall assume the cost of public notice and notice to interested parties.
 - c. The Secretary of the Plan Commission or the Building Commissioner shall cause the notice to be published at least ten (10) days prior to the date set for the hearing. Proof of publication must be made by an affidavit of the publisher and attached to a copy of the notice taken from the paper(s) in which it was published, and filed with the secretary or the Building Commissioner before the hearing. The affidavit must specify the County, the time when, and the paper in which the notice was published.
 - d. For all applications for approval of a plat of a subdivision, the applicant shall notify all abutting and adjoining legal land owners whose property is located within two hundred and fifty (250) feet of the subject property by certified mail with return receipts at least ten (10) days before the date of hearing. The return receipts shall be filed with the secretary of the Plan Commission before the hearing.
 - e. The Building Commissioner may vary the distance requirements for notification if in his judgment a departure from the rules in (d) above is justified and the intent of those rules is observed.
 7. After the Commission has reviewed the preliminary plat, construction plans, and reports received from the Technical Review Committee and other agencies, and has heard any testimony submitted at the public hearing, the applicant shall be advised of any required additions. The Commission shall by written finding approve, conditionally approve, or disapprove the preliminary plat. This decision must be signed by the president and attested by the secretary of the Commission.
 8. As a condition of preliminary plat approval, the Commission may specify:

Chapter 22: Rensselaer Subdivision Control Ordinance Applications

- a. The manner in which public ways shall be laid out, graded, and improved;
 - b. A provision for water, sewage, and other utility services;
 - c. A provision for lot size, number, and location;
 - d. A provision for drainage design; and
 - e. A provision for other services as specified in this Ordinance.
9. The approval or disapproval of a preliminary plat by the Commission or the imposition of a condition on preliminary approval is a final decision of the Commission that may be reviewed by certiorari procedure as provided by I.C. 36-7-4-1016.
10. The Building Commissioner shall return one (1) copy of the proposed preliminary plat to the applicant with the date of approval, conditional approval or disapproval with the reasons therefore, in writing, accompanying the plat.
11. Unless extended, the approval of a preliminary plat shall be effective for a period of three (3) years at the end of which time final plat approval on the subdivision must have been obtained and certified by the president and secretary of the Commission. Any plats not receiving final plat approval within the period of time set forth herein shall be null and void and the developer shall be required to resubmit a new preliminary plat for approval subject to existing zoning and subdivision control regulations applicable at the time of approval. Upon request of the applicant, the Commission may extend the approval of a preliminary plat in increments of one (1) year beyond an expiration date without further notice and public hearing.
12. Every preliminary plat shall conform to the existing zoning ordinance and subdivision control regulations applicable at the time of approval, except that any subdivision which has received preliminary plat approval and has not expired shall be exempt from any subsequent amendments to the zoning ordinance and subdivision control regulations which would otherwise render the plat non-conforming as to size, shape or use.

c) Final Plat

An applicant desiring approval of a final plat of a subdivision of any land lying within the jurisdiction of the Commission shall comply with the requirements set forth in this Section.

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1. A plat of a subdivision may not be filed with the Jasper County Auditor, and the Jasper County Recorder may not record it, unless it has been granted final approval and signed and certified by the president and secretary of the Commission. The filing and recording of the plat is without legal effect unless approved by the Commission.
 2. The Jasper County Recorder may not record a plat of any subdivision of any land lying within the jurisdiction of the Commission unless the plat has been approved in accordance with this Ordinance.
 3. No notice or hearing is required for final approval. The Commission may grant final approval of a plat or may delegate to the Building Commissioner the authority to grant such final approval.
 4. Application for plat shall:
 - a. Be made forms available from the Building Commissioner;
 - b. Be accompanied by any required fee(s);
 - c. Be accompanied by the original and the minimum number of copies of the final plat as determined by the Building Commissioner which shall comply substantially with the preliminary plat as approved;
 - d. Be accompanied by the minimum number of copies of completed final construction plans as determined by the Building Commissioner. Should any modification of these plans be made in the actual construction of these improvements, "as built" drawings shall be submitted upon completion.
 5. The final plat shall be prepared by a registered land surveyor or engineer at a scale of not more than one (1) inch equals one hundred (100) feet. The sheets shall be numbered in sequence if more than one (1) sheet is used. All sheets shall be of such size as is acceptable for filing with the Jasper County Recorder, but shall not be larger than eighteen (18) by twenty-four (24) inches. The map prepared for the final plat shall be drawn on drafting paper, reproducible mylar or electronic media approved by the Building Commissioner. The final plat submittal shall include:
 - a. The name of the subdivision.
 - b. The name(s) and address(es) of the owner of land to be subdivided; the name and address of the applicant, if other than the owner; and the name, seal,

Chapter 22: Rensselaer Subdivision Control Ordinance Applications

registration number and address of the land surveyor and/or engineer. Also, citation of last instrument conveying title to each parcel of property involved, giving grantor, grantee, date, and land record reference.

- c. Protective covenants attached to the plat.
- d. Legal description of the subdivision.
- e. Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of lines for reproduction of such lines upon the ground.
- f. A proposal and schedule for landscaping.
- g. The location and material type of all proposed and existing monuments.

6. The final plat shall show the following features:

- a. The date, north arrow, and scale.
- b. The dimensions of all boundary lines of the property expressed in feet and hundredths of a foot, the bearings of all lines to a minimum of one-half ($\frac{1}{2}$) minute.
- c. Location by Section, Quarter Section, Township, Range, Civil Township, County and State.
- d. The location and width of all proposed right-of-way, easements, alleys, and other public ways, and building setback lines. Street names and/or numbers to be indicated.
- e. The locations, dimensions, and areas of all proposed or existing lots including dimensions of all lot lines expressed in feet and hundredths of a foot, and bearings of all lines to a minimum of one-half ($\frac{1}{2}$) minute.
- f. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of dedication or reservation.
- g. Lot areas in square feet.

- h. Accurate direction and length in feet and hundredths of feet of each line. Geometrically curved lines shall be identified with sufficient curve data to define the curve. (Curve data include delta angle, radius, chord distance, chord bearing, arc length, tangent length). Lines required to be shown include but are not limited to the following:
 - i. Plat boundary (heavy solid line).
 - ii. Right-of-way lines of streets and alleys (solid line).
 - iii. Easements (dashed line)
 - iv. Lot lines (solid line).
 - v. Lines indicating easements or lot lines to be vacated by the plat (dashed or dotted line).
- 7. A block of space shall be set aside on the final plat for the following information and endorsements:
 - a. A certificate for final approval by the Commission, to be signed by the President and Secretary of the Commission.
 - b. Certification by a registered land surveyor; and registered professional engineer, as applicable.
 - c. Certification by Plan Commission staff for technical conformity.
 - d. Deed of dedication of streets and other public property.
 - e. Endorsements from a notary public, the Jasper County Recorder, and the Jasper County Auditor.
 - f. Endorsements from appropriate authorities to assure the Commission that the plat is in compliance with all rules, regulations, and requirements of local and state authorities, as set forth in the preliminary plat approval.

8. The final plat of any subdivision that includes a private road shall clearly state that such road is a private road, along with a statement outlining the maintenance responsibilities for the road.
9. The quality of draftsmanship for a final plat shall bear a professional appearance and reveal clear and correct information necessary for use in re-establishing boundary lines, corners and other pertinent information to the original locations. All subdivision plats shall be drawn to a scale which when reduced to half size shall discern clearly this information contained thereon.
10. The lack of information under any time specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a final plat.
11. Approval procedure when approval is required by the Commission: Upon receipt of a formal application and all supporting documents, the Building Commissioner shall assign a docket number and place the application for final approval on the agenda of the next scheduled meeting of the Commission providing the submittal of the application is in compliance with this Section.
12. Approval procedure when approval is delegated to the Building Commissioner: Upon receipt of a formal application and all supporting documents, the Building Commissioner shall review the application to determine if all the requirements of the Commission's preliminary approval have been met. After the Building Commissioner has determined that all requirements have been met, he shall certify this to the president and secretary of the Commission, who shall then endorse the plat.
13. No final approval shall be endorsed on the plat until the expiration of the appeal period under I.C. 36-7-4-710; specifically, after thirty (30) days has elapsed from the date of the decision of the Commission.
14. No final approval shall be endorsed on the plat until a review has indicated that all requirements of the Commission approval have been met.
15. Recording of plat:
 - a. The president and secretary of the Commission will sign the original mylar, drafting paper of the subdivision plat which is to be recorded with the Jasper County Recorder. Said signed plat, after recording, shall be returned to the Building Commissioner which in turn will be released to the surveyor who prepared the plat.

- b. It shall be the responsibility of the applicant to file the plat with the Jasper County Recorder within one hundred and eighty (180) days of the date of signature. Simultaneously with the filing of the plat, the applicant shall record in miscellaneous records, any recommendations so deemed necessary by the Commission. Otherwise, the plat shall be considered void. The applicant shall pay recording fees.

d) Amendment

Any amendment to a recorded plat shall be in conformance with I.C. 36-7-4, and include re-subdividing, re-platting, minor boundary adjustments, lot consolidations, single transaction large lot subdivision, minor corrections or any other changes to a recorded plat.

1. Amendments to a recorded plat, for the purpose of minor lot line boundary adjustments, shall include no more than two contiguous lots or parcel, with existing improvements on the lot(s), and in the same unit of a subdivision. No new lots or parcels are created, the resulting lots or parcels are comparable to the size and character of lots or parcels within that subdivision, no lot or parcel is rendered non-conforming, and any existing non-conforming lot or parcel is not rendered more non-conforming. There shall be no significant effect to the adjoining property due to the boundary adjustment.
2. Amendments to a recorded plat for the purpose of consolidating lots, regardless of whether a new boundary or lot line is created, shall include only contiguous lots that are in the same ownership and in the same unit of subdivision.
 - a. Consolidating lots does not change any of the previously recorded, platted utility easements and they shall remain as platted on the subject property.
 - b. The applicant may make a written request to all utility companies to vacate utility easements along the center lot line(s) that are to be eliminated.
 - c. If a lot consolidation is requested because of plans to build over the center lot line(s), the applicant shall check with the utility companies before proceeding with the lot consolidation, to ensure that all utility companies will quit claim the easements.
 - d. To have utility easements released along the center lot line(s), applicants must obtain Quit Claim Deeds from each utility company, after approval of the lot

Chapter 22: Rensselaer Subdivision Control Ordinance Applications

consolidation by the Commission. These Quit Claim Deeds must be recorded in the office of the Jasper County Recorder, at the expense of the applicant.

3. The applicant shall file an application with the Building Commissioner for approval of a subdivision amendment. The application shall include:
 - a. A written statement giving the details of the proposed plat amendments and the reasons why they are necessary.
 - b. An original tax certificate(s) for all lots, parcels and/or tracts involved from the Jasper County Treasurer showing that no taxes are currently due or delinquent against the property.
 - c. An original title report done within three (3) months of submission from a licensed Indiana Title Company shall be provided showing the names of all surface owners, and lien holders. The title report shall also include all existing easements.
 - d. Any supplemental data, as required by the Building Commissioner, which is deemed necessary to adequately review the requested subdivision amendment.
4. For minor lot line boundary adjustments and lot consolidations, the following information shall be submitted:
 - a. Complete survey data of modified boundaries including all information necessary to establish modified boundaries in the field. All monuments shall be in place in the field.
 - b. Each lot shall be identified with the existing lot number, and the area of each lot shall be shown on the amended plat. For those portions of property involved that do not require a boundary survey, area may be obtained from the recorded plat.
5. Amending a plat does not change any covenants or restrictions previously recorded pertaining to the subdivision since they run with the land and can be changed only with the written approval of all parties having a legal or equitable interest in the whole subdivision.

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6. All platted utility easements shall remain on the subject property unless appropriate releases are obtained. Additional easements, including drainage easements, may be needed when re-subdividing or amending a plat.
 7. The Building Commissioner shall review the amended plat for technical conformity with the standards of this Ordinance.
 8. Within ten (10) business days after the submittal, the Building Commissioner shall schedule a conference with the applicant to discuss the amended plat.
 9. Amendments to a recorded plat may be required to go through one or more steps of the subdivision review process which includes preliminary plat and final plat review.
 - a. If it is discovered that there is a minor survey or drafting error on a recorded plat, the applicant shall be required to submit an amended plat indicating the revisions made as compared to the previously recorded plat. Such a correction plat may be approved by the Commission without the otherwise required review or hearing procedures if the corrections are consistent with the approved final plat; and after such approval, it shall be recorded.
 - b. If, however, correction of an error results in conditions which do not comply with this Ordinance or results in changes affecting parties other than the applicant, the amended plat shall then be reviewed by the Commission in accord with the procedures for final plat.
 - c. If the amendment request is for the purpose of a minor lot line boundary adjustment or a lot consolidation, the final plat will be submitted to the Commission for signature and final approval, after approval by the Building Commissioner. The Commission, at the request of the Building Commissioner or the applicant, may review proposed minor lot line boundary adjustments at a public meeting.
 - d. If the amendment request would trigger either a major subdivision or minor subdivision review, the applicable review process shall apply.
 10. If the amended plat is approved by the Commission, the applicant must complete all conditions and pay all fees, and record the amended plat no later than three (3) months from the date of Commission approval, or the amended plat becomes null and void.

e) Exempted Divisions

Exempted divisions are not subject to the requirement of this Ordinance beyond the determination by the Building Commissioner that they meet all the requirements for exempted divisions set forth in this Section. For purposes of this paragraph, a lot is “created” on the date of its recording with the Jasper County Recorder.

1. The following types of land divisions are exempt from most of the requirements of this Ordinance:
 - a. Type 1: A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the land division;
 - b. Type 2: A division of land pursuant to an allocation of land in the settlement of decedent's probated estate probated by a court (decree) for the distribution of property;
 - c. Type 3: A division of land for the sale of cemetery lots;
2. In order for a land division to be considered an exempted division the following information prescribed for the applicable type of exempted division shall be submitted to the Building Commissioner to determine whether the division meets the provisions of an exempted division:
 - a. Type 1: The old legal and new legal descriptions must be provided;
 - b. Type 2: A copy of the court decree showing by legal description how the land is to be divided must be provided;
 - c. Type 3: A plat of the cemetery showing the layout of the private drives, parking areas, and size of burial lots must be provided.
3. Within five (5) working days of the applicant's complete submission of the required information in the case of exempted divisions, above, the Building Commissioner shall review the submission and notify the applicant's that his proposed land division either:
 - a. Qualifies as an exempted division and is thus exempt from all other provisions of this Ordinance, or

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- b. Does not qualify as an exempted division and is thus subject to the relevant subdivision processes in this Ordinance.
 4. Whenever the Building Commissioner determines that a land division qualifies as an exempted division, the Building Commissioner shall issue to the applicant a Statement of Compliance with the applicable provisions of this Ordinance.
 - a. A statement of compliance shall consist of an annotated outline listing by reference the necessary standard or regulations with which the proposed subdivision must comply, including an abstract not more than two hundred and fifty (250) words describing how the proposed subdivision fulfills the applicable requirement.
 - b. When the parcel so exempted by the Statement of Compliance is conveyed to another party, the copy of the instrument of such conveyance shall be recorded with the Jasper County Recorder bearing a stamp of approval signed by the Building Commissioner indicating that such Statement of Compliance has been obtained as ascertained by the copy(s) of the Statement of Compliance issued for this purpose.

f) Waivers

Where the applicant can show that a provision of this Ordinance would cause unnecessary hardship if strictly adhered to, and where, in the opinion of the Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Commission may authorize a waiver.

1. Any waiver thus authorized is required to be entered in writing in the minutes of the Commission, and the reasoning on which the departure was justified shall be set forth.
2. The Commission may defer or waive at the time of preliminary plat approval, subject to appropriate conditions, the provisions of any or all public improvements as, in its judgment, are not requisite in the interest of public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

g) Vacations

The vacation of a plat or public right-of-way shall be subject to the following provisions:

1. All or portions of a plat may only be vacated pursuant to I.C. 36-7-3-11.
2. All or portions of a public right-of-way may only be vacated pursuant to I.C. 36-7-3-12.

Section D: Design Standards

Section Contents

a) Blocks.....	39
b) Lots.....	39
c) Monuments and Markers.....	40
d) Easements.....	41
e) Streets, Street Lights, and Street Signs	41
f) Curb and Gutter.....	46
g) Driveways.....	47
h) Sidewalks and Trails	47
i) Natural Features and Open Spaces.....	48
j) Soils	48
k) Grading, Drainage, Erosion Control and Flood Control	49
l) Water Supply	50
m) Fire Protection.....	51
n) Sewerage Facilities	51
o) Other Utilities.....	52

D. Design Standards

a) Blocks

The design of subdivision blocks are subject to the following provisions:

1. Blocks shall not exceed thirteen hundred and twenty (1320) feet in length.
2. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a highway, arterial street or a railroad right-of-way.
3. In blocks of over one thousand (1000) feet in length, the City Engineer may require at or near the middle of the block a crosswalk connecting adjacent streets or other public areas. Such crosswalks shall be at least ten (10) feet in width of right-of-way and shall be improved with at least a four (4) foot walk of Portland Cement or Asphalt Concrete four (4) inches thick.

b) Lots

The design of subdivision lots are subject to the following provisions:

1. All lots shall abut a street. Generally, the depth of a lot shall not exceed three (3) times the lot frontage. Some deviation from this provision may be permissible for topographical and drainage purposes, but not for the purpose of splitting a large tract into deeper than normal lots so that the provision of streets for proper access to lots can be avoided. Unusually deep lots or numerous "pipe stem" lots (lots with minimal lot frontage adjacent to one another) shall be discouraged.
2. Side lot lines shall be at approximately right angles to straight streets and approximately on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots shall be avoided.
3. Double frontage lots shall not be platted, except that where desired along arterial streets, lots may face on an interior street and back on such thoroughfares. In that event a planting strip at least ten (10) feet in width shall be provided along the rear lot line.

Chapter 22: Rensselaer Subdivision Control Ordinance Design Standards

4. Lot width and lot area shall not be less than that provided in the zoning ordinance for single-family dwellings for the district in which the subdivision is located. When a water main supply system or a sanitary sewer system is not available, the lot area necessary to install a private water supply or private sewage disposal on the lot in accordance with the Board of Health of the State of Indiana regulations shall become the required minimum lot area.
5. Corner lots shall be wider than interior lots in order to permit appropriate setbacks from adjacent streets. Interior lots abutting a corner lot shall be wider than the average interior lot in order to permit a wider side yard adjacent to the corner lot.

c) Monuments and Markers

1. Permanent monuments in each subdivision shall be installed to establish elevation control where required by the City. This marker shall be as follows:
 - a. It shall be four by four by forty-eight (4 x 4 x 48) inches concrete with the top twelve (12) inches above grade.
 - b. It shall contain the elevation based on U.S.G.S. datum to the nearest one one-hundredths ($1/100$) of a foot.
 - c. It shall be installed prior to acceptance of maintenance bond on that section.
 - d. It shall have its location and elevation of the monument filed with the City Engineer and the office of the County Surveyor prior to acceptance of maintenance bond on that section.
2. Permanent markers consisting of steel pipes or pins not less than five eighths ($5/8$) inch diameter and eighteen (18) inches in length shall be installed at the following locations:
 - a. The intersection of all street centerlines within the plat.
 - b. The beginning and ending of all curves in street center lines.
 - c. The center point of each cul-de-sac turnaround.
 - d. Street markers shall be at least one (1) inch below finished grade.

3. All perimeter boundary corners and angle points of the preliminary plat of each subdivision shall be marked with six (6) inch diameter permanent concrete markers, with not less than five eighths (5/8) inch diameter steel rod thirty-six (36) inches in length. The top of the markers shall be one (1) foot below final grade.

d) Easements

Easements shall be provided for all utility lines, including but not limited to water, sewer, gas, electric, telephone and cable television.

1. Easements centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least fifteen (15) feet wide on both sides of the property lines. Easements shall be contiguous to the street at the end of the block to connect with adjoining blocks in the shortest direct line.
2. Where a subdivision is traversed by a water course, drainage way, ditch, channel or stream, there shall be provided an adequate storm water easement or drainage right-of-way, in accordance with the "City of Rensselaer Design and Construction Standards," latest issue (hereinafter referred to as the Design and Construction Standards). A copy of the current Design and Construction Standards is on file in the office of the Building Commissioner.
3. Easements for utilities shall be provided. Such easements shall have minimum width of thirty (30) feet, except as set forth in paragraph (2), herein. Before determining the location of easements, the plat shall be discussed with the Technical Review Committee and local utility companies to assure their proper placing for the installation of services. In the instance of deep utilities, the City may require easements wider than the width specified in this subsection.

e) Streets, Street Lights, and Street Signs

The design and construction of streets, and the installation of street lights and street signs, are subject to the following provisions:

1. The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created.

Chapter 22: Rensselaer Subdivision Control Ordinance Design Standards

2. Cul-de-sacs shall not exceed seven-hundred (700) feet in length unless site topography indicates that longer cul-de-sacs would be appropriate and approved by the City Engineer.
3. Proposed streets shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradient.
4. Certain proposed streets, where appropriate, shall be extended to the boundary of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
5. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.
6. Widths of arterial and collector streets shall conform to the widths specified in the Design and Construction Standards.
7. The minimum right-of-way of local streets, including marginal access streets or cul-de-sacs, shall be sixty (60) feet. All cul-de-sacs shall terminate in a circular right-of-way, with a minimum diameter of one hundred (100) feet, or other arrangement for the turning of all vehicles conveniently within the right-of-way.
8. Alleys shall be permitted in residential, commercial and industrial areas where needed for loading and unloading or access purposes, and where platted, shall be at least twenty (20) feet in width.
9. The center lines of streets should intersect as nearly at right angles as possible.
10. At intersections of streets and alleys, property line corners shall be rounded by arcs of at least twenty (20) feet radii or by chords of such arcs.
11. At intersections of streets, the property line corners shall be rounded by arcs with radii of not less than fifteen (15) feet or by chords of such arcs.
12. If the smaller angle of intersection of two streets is less than sixty (60) degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the City Engineer.
13. Intersections of more than two (2) streets at one point shall be avoided.

14. Where parkways or special types of streets are involved, the City Engineer may apply special standards to be followed in the design of such parkways or streets.
15. Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or a highway designated as a "Limited Access Highway" by the appropriate highway authorities, provision shall be made for a marginal access street or a frontage street at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.
16. Horizontal visibility on curved streets and vertical visibility on all streets shall be maintained along the center lines as follows:
 - a. Arterial streets: Five hundred (500) feet.
 - b. Collector streets and parkways: Three hundred (300) feet.
 - c. Local streets: One hundred fifty (150) feet.
17. Curvature measured along the center line shall have minimum radius as follows:
 - a. Arterial streets: Five hundred (500) feet.
 - b. Collector streets and parkways: Three hundred (300) feet.
 - c. Local streets: One hundred fifty (150) feet.
18. Between reversed curves on collector and arterial streets, there shall be a tangent of not less than one hundred (100) feet, and on local streets such tangent shall not be less than forty (40) feet.
19. Maximum grades for streets shall be as follows:
 - a. Arterial and collector streets: Not greater than six percent (6%).
 - b. Local streets and alleys: Not greater than ten percent (10%).
20. The minimum grade of any street gutter shall not be less than five-tenths percent (0.5%).

Chapter 22: Rensselaer Subdivision Control Ordinance Design Standards

21. Proposed streets that are extensions of or in alignment with existing streets shall bear the same name as that borne by the existing street.
22. Normally, only one street, driveway or point of vehicle access shall be permitted from a subdivision onto an arterial or collector street; provided, however, that any such street, driveway or point of vehicle access shall not be allowed if unreasonably harmful to the health, safety, and general welfare of the public. Two or more streets, driveways or points of vehicle access may be permitted by the City Engineer, if they do not impair the public health, safety and general welfare.
23. The streets shall be graded, surfaced, and improved to the dimensions required by the cross-sections and the work shall be performed in the manner prescribed in the Design and Construction Standards.
24. Measured back to back of curb, arterial streets shall be surfaced to a minimum width of fifty two (52) feet, collector streets shall be surfaced to a minimum width of thirty six (36) feet, and local streets shall be surfaced to a minimum width of thirty (30) feet. The City Engineer may require the subdivider to provide street surfacing on streets which are proposed to be extensions of existing paved streets, and which exceed the minimum dimensions set forth above, to the full width of the existing paved street. Alleys shall be surfaced to their full width. Cul-de-sac turnarounds shall be paved to within five (5) feet of the right-of-way.
25. The design characteristics for street pavements shall be per the Design and Construction Standards. The City Engineer may require additional improvements if in its opinion, they are necessary for the health, safety and general welfare of the public.
26. The streets shall be constructed in accordance with the Design and Construction Standards.
27. The subdivider shall have their engineer prepare plans and specifications for roads and drainage. These shall be presented to the City Engineer, whereupon the City Engineer will check the plans and specifications for compliance with the Design and Construction Standards.
28. No roads will be accepted into the City of Rensselaer or the Jasper County Highway system until after the plat of the subdivision has been recorded in the Jasper County Recorder's Office.

- a. The minimum width of right-of-way shall be sixty (60) feet for a local street. Additional right-of-way beyond the minimum width of right-of-way may be required if the side ditch is more than thirty (30) inches below the crown of the road surface or if the crown of the road is more than two (2) feet below the adjacent lot.
- b. The minimum width of the street base and surface shall comply with the Design and Construction Standards.
- c. The type and width of the shoulders shall be determined by the City Engineer. Any shoulder built shall slope away from the pavement at a rate not to exceed one (1) inch per foot. The shoulder shall be flared out at the intersections.
- d. Adequate drainage shall be provided by constructing side ditches, cross pipes, and driveway pipes, together with an outlet ditch, per the Design and Construction Standards.
- e. The road base shall consist of a foundation course of compacted dense-graded aggregate constructed on a prepared subgrade in compliance with the Design and Construction Standards.
- f. All unsightly and objectionable materials shall be removed from the right-of-way before acceptance. All trees, brush, and stumps shall be removed from the edge of pavement to the back of the side ditch slope. In no case will trees be permitted closer than six (6) feet to the edge of the road surface. The entire right-of-way shall be in neat and presentable condition.
- g. The typical cross-sections of rights-of-way and road surfaces for local streets shall be per the Design and Construction Standards.
 - i. The Design and Construction Standards shall be considered as minimum requirements for any road, other than a subdivision, that is to be added to the City street system or County highway system. The City Engineer may require additional improvements, if in their opinion, they are necessary for the health and safety of the public.
 - ii. All materials, equipment, and workmanship shall comply with the applicable provisions of the Design and Construction Standards in force at the time the road plans are approved by the City Engineer.

Chapter 22: Rensselaer Subdivision Control Ordinance Design Standards

- h. All work must be acceptable to and meet all the requirements of the City Engineer, prior to acceptance by the City Council or the Jasper County Board of Commissioners, as applicable. Upon the completion of all improvements and installations as required by this Ordinance, the subdivider shall furnish to the City Council if the plat is proposed to be located in the City, or the Board of Commissioners if the plat is proposed to be located in the unincorporated territory, a certification that said improvements and installations have been constructed, installed, and completed in compliance with the requirements of this Ordinance. In addition, a letter signed by the Jasper County Street Superintendent shall be presented to the Board of County Commissioners, stating he finds the improvements to have been constructed, installed, and completed in compliance with the requirements of this Ordinance, if such is the case. A copy of the "as-built" plans will be furnished by the subdivider to the City Engineer before the acceptance of any improvements of installations takes place.
- 29. The subdivider shall reimburse the City for the cost of all required street lights, the quantity, type and location of which will be determined by the City Engineer.
- 30. The subdivider shall reimburse the City for the cost of all required street signs, the quantity, type and location of which will be determined by the City Engineer.

f) Curb and Gutter

Curb and gutter is subject to the following provisions:

- 1. Wherever a proposed subdivision lies within the corporate limits of the City, or is adjacent to or between other subdivisions which have been provided with curb and gutter, or whenever the proposed subdivision will have lots which average less than one acre in area for lots included in the subdivision, the City Engineer shall require curb and gutter to be installed on each side of the street surface. Gutters may also be required along the boundaries of parking bays as necessary for drainage control or public safety. Plans for the installation of the curb and gutter shall be approved by the City Engineer.
- 2. All curb and gutter shall be constructed according to the Design and Construction Standards.

3. In cases when curb and gutter are not required, the City Engineer may require the subdivider to extend existing and adjacent curb and gutter to the nearest street intersection.

g) Driveways

Driveways are subject to the following provisions:

1. The subdivider shall install approaches for each driveway connection to a street, with a hard surface between the street roadway surface and the front lot line, and when the street is provided with curb and gutter the subdivider shall install curb returns on the driveways.
2. Driveways shall be constructed in accordance with the Design and Construction Standards

h) Sidewalks and Trails

Sidewalks and trails are subject to the following provisions:

1. Wherever a proposed subdivision lies within the corporate limits of the City, or is adjacent to another subdivision which has been provided with sidewalks, and whenever the proposed subdivision will have lots which average less than one (1) acre in area for lots included in the subdivision, the City Engineer shall require sidewalks to be installed on each side of the street. If sidewalks are not provided, the street grade shall be completed so that additional grading would not be necessary for any future provision of sidewalks.
2. All sidewalks shall be a minimum of five (5) feet wide, be constructed in accordance with the Design and Construction Standards, and meet current ADA requirements. Replacement of existing sidewalks shall be to the width of the adjacent or connecting sidewalk.
3. The edge of sidewalks adjacent to a local street shall be placed at least one (1) foot from the curb line. The edge of walks adjacent to a collector or arterial street shall be placed at least five (5) feet from the curb line.
4. Whenever the Commission finds that a means of pedestrian access is necessary from the development to schools, parks, playgrounds, or other roads or facilities and that such

Chapter 22: Rensselaer Subdivision Control Ordinance Design Standards

access is not conveniently provided by sidewalks adjacent to the roads, the subdivider shall be required to reserve an unobstructed trail easement of at least ten (10) feet to provide such access. Crosswalks within blocks shall be improved with at least a four (4) foot walk of Portland Cement or Asphalt Concrete four (4) inches thick.

i) Natural Features and Open Spaces

Provisions shall be made to preserve natural features of the site, such as unusual rock formations, lakes, rivers, streams and trees.

1. Preservation measures shall be proposed by the subdivider to retain unusual rock formations, lakes, rivers, and streams on the site.
2. Significant vegetation, including dominant or mature trees and shrubs, shall be retained where possible. When regenerating sites, replacement trees or shrubs shall be selected from indigenous species native to the region. Provisions shall be made to provide adequate hydration and appropriate soil for the replacement trees to ensure successful growth.

j) Soils

Lots on soils having a severe limitation for development due to seasonal high water table as determined by the Soil Survey of Jasper County shall be developed where practicable so that each lot can be provided with an outlet for perforated subsurface drainage tile.

1. When it is impossible for each lot to have an outlet for subsurface drainage tile on their lot then the subdivider shall cause to be installed a public perforated subsurface drainage system that each lot can connect to. Such public tile system shall be required where two (2) or more lots are dependent upon the subsurface tile for overcoming the seasonal high water table.
2. Adequate easements shall be provided for maintenance.
3. Where a sealed storm drainage system is installed on severe soils, one (1) subsurface outlet into the storm sewer shall be provided for each lot to connect subsurface drainage tile.

k) Grading, Drainage, Erosion Control and Flood Control

Grading, drainage, erosion control and flood control are subject to the following provisions:

1. Lots and blocks shall be so graded as to eliminate depressions that would accumulate storm water. Grades at building sites shall bear such relationships to roadway and curb grades as to prevent flooding during heavy storms of basement windows or of entryways either to basement or to first floor levels in the absence of basements.
2. The subdivider shall submit working drawings showing contours to which the property is to be graded.
3. All water courses crossed by streets or alleys shall be provided with adequate and permanent culverts of a size, type and material approved by the City Engineer. Culverts on existing streets shall be enlarged wherever necessary by reason of diverted or increased concentration of drainage.
4. A complete drainage system plan shall be filed with the City Engineer simultaneously with the filing of the preliminary plat, per the requirements of the Design and Construction Standards.
5. The drainage system plan shall be furnished by the subdivider, and prepared by a registered professional engineer or a registered land surveyor.
6. The drainage system plan shall be approved by the City Engineer if the subdivision is located in the City and by the Jasper County Drainage Board, the Jasper County Surveyor, and the Jasper County Street Superintendent, if the subdivision is located beyond the City; prior to the subdivision plat being approved by the Commission.
7. Adequate drainage facilities shall be installed by the subdivider prior to construction of any buildings in the subdivision.
8. Upon completion of any part of the drainage system, the City Engineer or the Jasper County Surveyor, as the case may be, shall inspect same to determine if it meets with the approved plans and specifications. In addition, upon completion of any part of the drainage system, as-built plans shall be filed as required by the Design and Construction Standards.
9. To ensure adequate erosion control, the subdivider shall comply with Rule 5.

Chapter 22: Rensselaer Subdivision Control Ordinance Design Standards

10. No subdivision or any part thereof shall be approved if levees, fills, structures or other features within the proposed subdivision will, individually or collectively, significantly increase flood flows, heights, or damages. If only part of a proposed subdivision can be safely developed, the Commission shall limit development to that part.
 - a. For any proposed subdivision that is located within a flood plain, as determined by Flood Hazard Maps supplied by Federal Emergency Management Agency, the subdivider shall provide the Commission and the Indiana Department of Natural Resources with all documents required by applicable regulations, and in addition, shall provide the Commission and Indiana Department of Natural Resources with such supporting documentation and justifications as may be required, to comply with local state and federal regulations.
 - b. The subdivider shall demonstrate conclusively to the Commission that the proposed subdivision will not present a hazard to life, limb or property; will not have adverse effects on the safety, use or stability of public ways or drainage channels; and that all approvals, permits and reviews have been received from the Indiana Department of Natural Resources when required.

I) Water Supply

Water supply facilities are subject to the following provisions:

1. The subdivider shall provide the subdivision with a complete water main supply system, which shall be connected to a municipal water utility system; except, that when such water supply is not available as determined by the City, the subdivider shall provide an individual water supply on each lot in the subdivision in accordance with requirements of the Health Officer.
2. The water supply system shall be designed and constructed in accordance with the requirements of the Design and Construction Standards. The design characteristics of the water supply system shall be submitted by a set of construction drawings which require the approval of the City Engineer and the Indiana Department of Environmental Management.
3. Construction of water mains and house services to be placed within the improved portion of the street right-of-way shall be completed prior to surface improvements.
4. Upon the completion of the water supply system, as-built plans shall be filed as required by the Design and Construction Standards.

m) Fire Protection

Every development that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development. Design standards shall conform to the National Fire Protection Association (NFPA) standards or the Design and Construction Standards.

1. The Fire Chief may authorize or require a deviation from these standards if another arrangement more satisfactorily complies with NFPA or local standards.
2. The Fire Chief shall determine the precise location of all fire hydrants, subject to the other provisions of this Ordinance.
3. The Fire Chief shall determine the design standards of all hydrants based on fire flow needs. All hydrant threads shall be meet the National Fire Thread (NFT) standard or specifications approved by the Fire Chief.
4. Water lines that serve hydrants shall be at least six (6) inch lines, and unless no other practicable alternative is available, no such lines shall be dead-end lines. If a dead end line is necessary, a flushing hydrant shall be provided.
5. The location of the hydrants and size of the mains shall conform to accepted standards. The subdivider's responsibility for maintenance of the hydrants shall be continuous until the hydrants are accepted by the City.

n) Sewerage Facilities

Sewerage facilities are subject to the following provisions:

1. The subdivider shall provide the subdivision with sanitary sewage facilities in accordance with one of the following procedures:
 - a. Public Collection System. In all cases where such is possible the subdivider shall construct a sanitary sewer system connected to a City sewer.
 - b. Private Disposal System. Where alternative (a) above is not practical, the Commission may permit the subdivider to install an individual sewage disposal system consisting of a septic tank and tile absorption field or other approved

Chapter 22: Rensselaer Subdivision Control Ordinance Design Standards

disposal system. Such systems shall be designed and constructed by the subdivider in accordance with the "Recommended Standards for Individual Sewage Systems," and the requirements of the Health Officer and the Indiana Department of Environmental Management. In no case, however, shall private disposal systems be permitted where soil conditions exist which would prevent adequate percolation of effluent.

- c. In all cases the Commission shall determine the feasibility of any appropriate sewage disposal alternative.
2. The plans for the installation of the sanitary sewage facilities shall be provided by the subdivider, prepared by a registered professional engineer, or a registered professional land surveyor in accordance with the Design and Construction Standards. The design characteristics of the sanitary sewage facilities shall be submitted by a set of construction drawings which require the approval of the City Engineer, the Indiana Department of Environmental Management and the Health Officer
3. Upon completion of sanitary sewer installations, as-built plans shall be filed as required by the Design and Construction Standards.

o) Other Utilities

Other utilities include gas, electric, telephone, and cable television services, and are subject to the following provisions:

1. All gas, electric, telephone or cable television lines placed within the public right-of-way or dedicated easements shall be approved by the City Engineer as to location.
2. All utility installations shall be underground. Where underground distribution and/or service is to be provided at the front lot line, a utility easement for either or both the distribution lines and transformer pit shall be provided.
3. Construction of electric, telephone or cable television lines including house service connections within the improved portion of the street right-of-way shall be completed prior to the placement of street surface improvements.
4. The subdivider shall provide conduits for all electric, telephone or cable and gas mains as required by the City Engineer.

**Section E:
Dedications and
Performance
Guarantees**

Section Contents

a) Dedications.....	55
b) Installation of Improvements	55
c) Improvement Guarantees.....	55
d) Acceptance of Improvements	58
e) Maintenance of Improvements	59
f) Improvement Credit Procedure.....	59

E. Dedications and Performance Guarantees

a) Dedications

Dedications are subject to the following provisions:

1. There shall be no reservation of strips of land that prevent or limit access to land dedicated or intended to be dedicated to public use.
2. Where sites for parks, schools, playgrounds or other public uses are located within the subdivision area as shown in the Comprehensive Plan, the Commission may request their dedication for such purposes, or their reservation for a period of one (1) year following the date of final approval of the plat of the subdivision. In the event the City passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended for an additional six (6) months.
3. In any case in which a subdivider installs or causes the installation of gas, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the subdivider, the subdivider shall transfer to such utility or entity the necessary subdividership or easement rights to enable the utility or entity to operate and maintain such facilities.

b) Installation of Improvements

Subsequent to preliminary plat approval but before the final plat is signed by the president and secretary of the Commission, the subdivider shall be required to complete all the streets, curbs, sidewalks, sanitary and storm sewers, drainage elements, waterlines, street signs, and other public improvements as required in this Ordinance, specified in the preliminary plat, and as approved by the Commission, unless an improvement guarantee has been provided.

c) Improvement Guarantees

Improvement guarantees are subject to the following provisions:

Chapter 22: Rensselaer Subdivision Control Ordinance

Dedications and Performance Guarantees

1. The Commission, in its discretion may waive the requirement that the subdivider complete all public improvements prior to the approval of the final subdivision plat, and that, in lieu thereof, the subdivider shall post bond securable to the City, hereinafter referred to as performance bond, in an amount equivalent to one hundred ten percent (110%) of the estimated cost of completion of the required public improvements, which shall be sufficient to secure the satisfactory construction and installation of the uncompleted portion of required public improvements.
 - a. The Commission may at any time during the period of such bond accept a substitution of principal or sureties on the bond.
 - b. That in lieu of such a bond, the subdivider may submit a certified check made payable to the City of Rensselaer in an amount equivalent to one hundred ten (110%) percent of the estimated cost of completion of the uncompleted portion of required public improvements. Any such checks shall be held by the City Treasurer.
 - c. That in lieu of such a bond the subdivider may submit a certificate of deposit made out to City of Rensselaer, to be held by the City Treasurer and in an amount equivalent to one hundred ten percent (110%) of the cost of completion of the uncompleted portion of required public improvements.
 - d. That in lieu of such a bond the subdivider may submit documentation that cash funds are on deposit with a state or federally insured bank and allocated for specific subdivision improvements. Said amount shall be in an amount equivalent to one hundred ten percent (110%) of the estimated cost of completion of the uncompleted portion of required public improvements.
 - e. That in lieu of such a bond the subdivider may submit documentation that a letter of credit, whereby the City would have undeniable access to the funds in an escrow account or other type of account, held by a state or federally insured bank and allocated for specific subdivision improvements. Said amount shall be in an amount equivalent to one hundred ten percent (110%) of the estimated cost of completion of the uncompleted portion of required public improvements.
 - f. The period within which required public improvements must be completed shall be specified by the Commission in the resolution approving the preliminary plat and shall be incorporated into the bond and shall not in any event exceed two (2) years from date of final approval. The Commission may, upon proof of difficulty, grant an extension of the maximum period of one (1) additional year, provided

that the bond submitted for this extension period meets all other requirements herein.

- g. Such performance surety shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in this Ordinance.
 - h. Such performance surety shall be approved by the City as to the amount.
- 2. The subdivider shall build and pay all costs for temporary improvements required by the Commission and shall maintain same for the period specified by the Commission. Prior to construction of any temporary facility or improvement, the subdivider shall file with the City a separate suitable bond for temporary facilities, which bond shall ensure that the temporary facilities will be properly constructed, maintained, and removed.
- 3. For a subdivision for which no performance bond has been posted, if the improvements are not completed within the period specified by the Commission in the resolution approving the plat, the approval shall be deemed to have expired, and final plat void.
- 4. Sectionalizing of plats:
 - a. Subsequent to granting preliminary plat approval of a subdivision, the Commission may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Commission may require that the performance bond or other instrument 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 bond principal amount until the remaining sections of the plat are offered for final plat approval. The same policy shall apply to installation of improvements.
 - b. The subdivider may also file irrevocable offers to dedicate streets and public improvements in the sections offered to be filed but may defer filing offers of dedications for the remaining sections until such sections, subject to any conditions imposed by the Commission, shall be granted final approval.
 - c. In the event of approval of sectionalizing such sections as having been approved by the Commission, the plat shall be filed with the Jasper County Recorder within one hundred and eighty (180) days of the date of final plat signature.

Chapter 22: Rensselaer Subdivision Control Ordinance

Dedications and Performance Guarantees

- d. Approval of a plat does not constitute acceptance by the City of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat. However, the City may accept any such offer of dedication by resolution of the City Council or by actually exercising control over and maintaining such facilities.
- e. All facilities and improvements with respect to which the subdivider makes an offer of dedication to public use shall be maintained by the subdivider until such offer of dedication is accepted by the City.

d) Acceptance of Improvements

The approval by the Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the City of the County, as the case may be, of any street, easement, or park shown on said plat. Acceptance of an improvement by the City for any part of a subdivision located within the corporate limits of Rensselaer, or by the County for any part of a subdivision located beyond the corporate limits of the City shall be made only by Resolution of the City Council or the County Board of Commissioners, respectively. Acceptance shall be contingent upon:

1. Code Requirements. Fulfillment of the requirements of this Ordinance, and for subdivisions located beyond the City, the County Code requirements also shall be met.
2. Attorney's Opinion. An opinion by the City or County Attorney as the case may be, that satisfactory and property conveyances have been made by the subdivider to the City or County, as the case may be.
3. City & County Standards. Improvement(s) being complete and in good repair in accordance with City and County requirements, as the case may be.
4. Inspection Reports. Inspection reports indicating compliance with working drawings and specifications.
5. Improvements to Be Completed. A single improvement shall not be accepted in part; it shall be complete throughout the subdivision as indicated in the plat of a subdivision for which final plat approval has been given. The sub-grade and base course of a street and alley shall be considered as a single improvement.
6. As-Built Plans. Acceptance of an improvement or installation shall not take place until as-built plans of the improvement or installation have been furnished by the subdivider.

7. Release of Bond. Acceptance of an improvement shall constitute release of the applicable portion of the performance bond or of the applicable portion of the balance of any cash or escrow deposits. Any maintenance bond shall be released three (3) years after the acceptance of improvements if the improvements have been maintained to the satisfaction of the Rensselaer Board of Works or the Board of County Commissioners, as the case may be.

e) Maintenance of Improvements

The subdivider shall provide a three-year maintenance bond in an amount to be determined by the Commission based upon the assurance that all improvements provided and installed by the subdivider will be properly maintained to the satisfaction of the City Council.

f) Improvement Credit Procedure

Improvements required by this Ordinance may provide benefits to other properties in the vicinity of land to be subdivided. Upon the installation of such improvements which cross or adjoin other properties and can be used by such properties, the subdivider and the respective City Council if the plat of the subdivision is proposed to be located in the City, or Board of County Commissioners if the plat is proposed to be located in the unincorporated territory, may by contract, agree that upon the connection or use of the installation made by the subdivider by others, within a period of ten (10) years following their installation the new user or users shall pay to the City or County, as the case may be, a fee in an amount agreed upon by the subdivider and the City or County, the amount of such fee to be credited and paid to the subdivider.

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Section F: Definitions

Section Contents

a) Usage	63
b) Words and Terms.....	64
A	64
B.....	64
C.....	65
D.....	65
E.....	65
F.....	66
G	66
H.....	66
I.....	66
J.....	67
L.....	67
M	69
O.....	69
P.....	70
R.....	70
S.....	71
T.....	72
V.....	72
W.....	73
Z.....	73

F. Definitions

a) Usage

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted and defined as follows:

1. Words in the present tense include the future tense and vice-versa;
2. Words in the singular number include the plural number and vice-versa;
3. The word "building" includes the word "structure" and vice-versa;
4. The word "lot" includes the words "plot", "tract", "piece" or "parcel";
5. The word "person" includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual;
6. The word "shall" is mandatory and not discretionary; the word "may" is permissive;
7. The words "used" or "occupied" include the words "intended", "designed", "constructed", "altered", or "arranged" to be used or occupied;
8. The phrase "used for" shall include the phrases "arranged for", "designed for", "maintained for", "intended for", and "occupied for".
9. Where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or", or "either ... or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. "Either ... or" indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.

b) Words and Terms

A

ALLEY: A permanent public service way or right-of-way, dedicated to public use, other than a street, place, road, crosswalk or easement, designed to provide a secondary means of access for the special accommodation of abutting property.

APPLICANT: The owner of land or his representative. Consent shall be required from the legal owner of the premises. The phrase "the applicant shall provide" shall be interpreted to mean that the developer of the lot or subdivision shall install the facility referred to, or whenever a private sewage disposal system or an individual water supply is to be provided, that the applicant shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in this Section shall be installed by the developer of the lots in accordance with this Ordinance.

APPROVAL, FINAL: An approval that may be granted by the Plan Commission and signed and certified by the President of the Plan Commission on a final plat of a subdivision which the Plan Commission has already given its preliminary approval before it can be filed with the Jasper County Auditor and recorded by the Jasper County Recorder, and the improvements and installations have been completed as required by this Ordinance; or, if the improvements and installations have not been completed as required, the applicant therefore has provided a performance bond or other proof of financial responsibility in accordance with the requirements of this Ordinance.

APPROVAL, PRELIMINARY: An approval that may be granted by the Plan Commission and signed and certified by the President of the Plan Commission on a preliminary plat of a subdivision in which the procedures, standards of improvement, and conditions have been met by the applicant as required by this Ordinance. A preliminary approval is a formal decision of the Plan Commission inasmuch as it may be reviewed by the courts.

B

BLOCK: A unit of property entirely surrounded by public highways, streets, railroad rights-of-way, waterways, or other barriers, or a combination thereof.



C

CITY: The City of Rensselaer, Indiana.

CITY ENGINEER: The City Engineer or a Consulting Engineer employed by the City of Rensselaer, or in their absence, the Superintendent of Water, Streets, Wastewater and Sanitation.

COMMISSION OR PLAN COMMISSION: The Rensselaer Advisory Plan Commission.

COMMON COUNCIL OR CITY COUNCIL: The Common Council of the City of Rensselaer, Indiana.

COMPREHENSIVE PLAN: A composite of all materials prepared and approved under the 500 series of I.C. 36-7-4 or under prior law. Specifically, the Comprehensive Plan of current adoption within the jurisdiction of the Rensselaer Advisory Plan Commission.

CONDOMINIUM: The division of buildings and related land into horizontal property interest that meets the requirements of and controlled by Indiana statutes for condominiums. (For reference see Indiana Code 32-1-6.)

COUNTY: Jasper County, Indiana.

COVENANT: A private legal restriction on the use of land contained in the deed to the property and otherwise formally recorded.

CUL-DE-SAC: A local street permanently terminated by a vehicle turn-around.

D

DEDICATION: The setting apart of land or interests in land for use by the public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

E

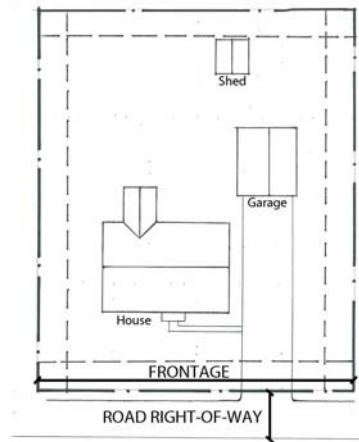
EASEMENT: A grant by the property owner of the use of a strip of land by the public or a person for specified purposes.

ESCROW: The arrangement for the handling of instruments or money not to be delivered until specified conditions are met.

Chapter 22: Rensselaer Subdivision Control Ordinance Definitions

F

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



G

GRADE: The slope of a road, street, or other public way, specified in terms of percentage.
Example: One (1) foot of rise in one hundred (100) foot would be a one percent (1%) grade.

H

HEALTH OFFICER: The Jasper County Health Officer- Sanitarian.

I

IMPROVEMENTS: Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway strip, sidewalk, planting strip, cross walkway, off-street parking areas, or other facility for which the City of Rensselaer or the County of Jasper if the improvements are located beyond the corporate limits of the City, may ultimately assume the responsibility for maintenance and operation.

J

JURISDICTION OF THE COMMISSION: The jurisdiction of the Rensselaer Plan Commission, which includes all of the area over which this Ordinance is effective; specifically, the City of Rensselaer, Indiana, and the unincorporated territory in Jasper County, adjacent to the City, the boundaries of which are shown on the Zone Map, as amended.

L

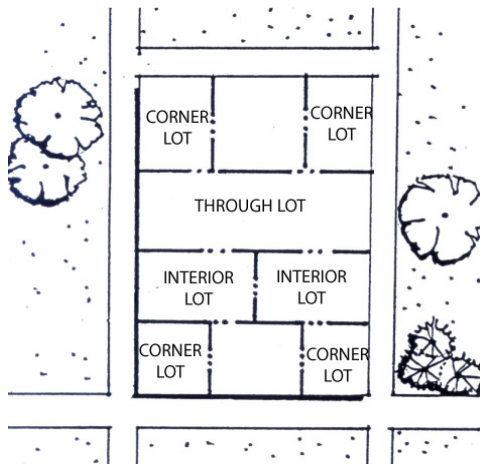
LOT: A parcel, tract, or area of land accessible by means of a street or right-of-way, and for uses as set forth in this Ordinance, intended as a unit for transfer of ownership or development. It may be a single parcel separately described in a deed or plat which is recorded in the Office of the County Recorder of Jasper County, or it may include parts of, or a combination of, such parcels when adjacent to one another and used as one. In determining lot area and boundary lines, no part thereof within the limits of a street or right-of-way shall be included.

LOT, CORNER: A lot at the junction of and having frontage on two (2) or more intersecting streets.

LOT, INTERIOR: A lot other than a corner lot or double frontage lot.

LOT, MOBILE HOME: A designated site within a mobile home park or subdivision for the exclusive use of the occupants of a single mobile home, including a mobile home slab, lawn, driveway, and parking area for said occupants.

LOT, DOUBLE FRONTAGE: A lot having frontage on two (2) parallel or approximately parallel streets.

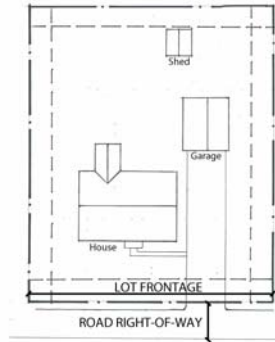


Chapter 22: Rensselaer Subdivision Control Ordinance

Definitions

LOT AREA: The horizontally projected useable area of a lot computed exclusive of any portion of a street, existing or proposed.

LOT FRONTAGE: All the property of a lot fronting on a street and as measured between side lot lines.

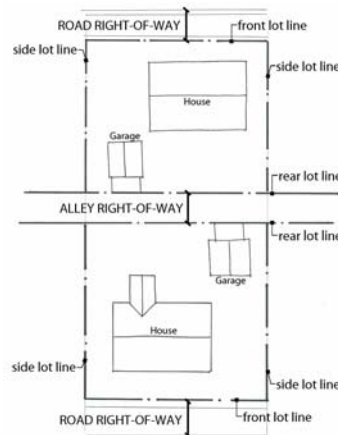


LOT LINE: The property line between two (2) established parcels of land or one (1) parcel and a public right-of-way or place.

LOT LINE, FRONT: In the case of an interior lot, a line separating the lot from a street; and in the case of a corner lot, a line separating the lot from the street, except in cases where deed restrictions in effect specify another street right-of-way line as the front lot line.

LOT LINE, REAR: A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line a minimum of ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE: Any lot boundary line not a front lot line or a rear lot line.



LOT WIDTH: The dimension of a lot, measured between side lot lines.



M

MARKER: A long lived object set in the ground to perpetuate a lot or other subdivision property corner.

MONUMENT: Any permanent marker either of stone, concrete, cast iron, heavy galvanized iron pipe, (recognizable or readily identifiable) or steel rods, used to identify the boundary lines of any tract, parcel lot or street lines.

O

OCCUPIED SPACE: The total area of a mobile home lot horizontally covered by the principal structure, excluding accessory structures such as, but not limited to, garages, patios and porches.

OPEN SPACE: The total horizontal area of a lot excluding the building area but including parking areas and recreational areas; provided, however, in residential districts, said open space may include the useable roof area within the project which has been improved for outdoor use of occupants, plus one-half of that space, such as balconies, which may be open on its sides but not open above to the sky.

OWNER: Any person, firm, association, syndicate, partnership, corporation, or any other legal entity having legal title to the land as recorded in the Office of the County Recorder of Jasper County.

P

PERFORMANCE BOND: An amount of money or other negotiable security paid by the subdivider to the City Treasurer which guarantees that the subdivider will perform all actions required by the Commission regarding an approved plat, and provides that the subdivider will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.

PLAN COMMISSION OR COMMISSION: The Rensselaer Advisory Plan Commission.

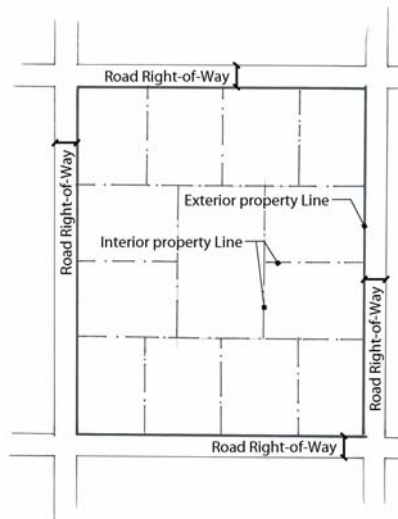
PLAN COMMISSION STAFF: The staff of the Rensselaer Advisory Plan Commission specifically the Building Commissioner and any other persons employed by the Plan Commission, under the supervision of the Building Commissioner who have regular duties in the Commission Office.

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

PLAT, PRELIMINARY: The preliminary map indicating the proposed layout of a subdivision which is submitted to the Commission for approval.

PREMISES: A lot, tract, or plat including buildings thereon, if any.

PROPERTY LINES: Those lines bounding a parcel of land.



R

RESUBDIVISION (REPLAT): A change in a map for an approved or recorded subdivision final plat if such change affects any street layout on such map or area reserved thereon for public use, or

any lot lines; or if it affects any map or plat legally recorded prior to the adoption of any regulations controlling subdivisions.

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

RULE 5: A name given to 327 I A C 15-5, a rule adopted in 1992 by the Indiana State Water Pollution Control Board and administered by the Indiana Department of Environmental Management.

S

SALE OR LEASE: Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, interstate succession, or transfer, of an interest in a subdivision or part thereof, whether by deed, contract, or other written approval.

SECTIONALIZING: A process whereby a subdivider seeks final plat approval on only a portion of a plat which has previously been granted preliminary approval.

STATEMENT OF COMPLIANCE: A statement that a land division qualifies as an exempted division.

STREET: A public or private right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name.

STREET, FRONTAGE: A street parallel to an arterial street and located within the space between the building(s) and the arterial street.

STREET, PRIVATE: A privately-held right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, easement, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and similar features.

STREET, PUBLIC: A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, lane, road, drive, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a

Chapter 22: Rensselaer Subdivision Control Ordinance

Definitions

public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and similar features.

SUBDIVIDER: Any person responsibly engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in this Ordinance.

SUBDIVISION: The division of a parcel of land into one or more lots, parcels, tracts, units, or interests for the purpose of immediate or future sale or lease, and/or improvement for any type of structure, or as further prescribed in this Ordinance.

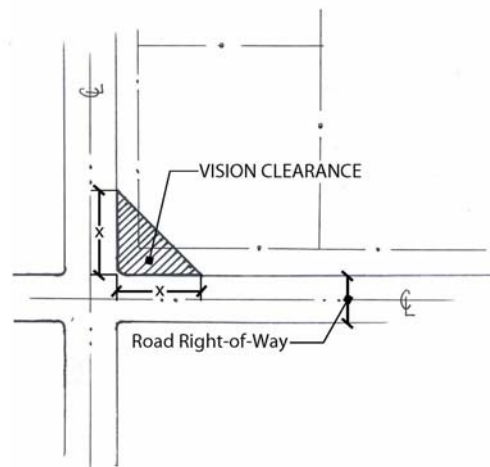
SURVEYOR: Any person who is licensed in the State of Indiana to practice professional land surveying.

T

THOROUGHFARE PLAN: A plan and maps established by the governing body, pursuant to law as a portion of the Comprehensive Plan, showing the location of streets and roads, functionally classified public facilities, utilities and desirable future infrastructure. The plan is approved, adopted and established by law and any amendments or additions, including those resulting from the filing and approval of subdivision plats, are adopted by the City as a continuous updating of the Plan.

V

VISION CLEARANCE: A triangular space at the street corner of a corner lot free from any kind of obstruction to vision.



W

WAIVER: A modification of the specific requirements of this Ordinance granted by the Plan Commission in accordance with the terms of this Ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

Z

ZONING ORDINANCE: An ordinance now or hereafter adopted under the 600 Series of I.C. 36-7 4, including a zone map which divides the jurisdiction of the Commission into districts, with regulations, requirements and procedures for the establishment of land use controls, and which indicates where subdivision of land may occur. See Chapter 28: City of Rensselaer Revised Zoning Code.