

ORDINANCE NO. 2015-24

AN ORDINANCE TO AMEND ORDINANCE 2013-02, AS AMENDED, COMMONLY KNOWN AS THE LOWELL SUBDIVISION REGULATIONS ORDINANCE

WHEREAS, the Town of Lowell, its Staff, and Consultants have reviewed and recommended various changes in the Town of Lowell Subdivision Regulations Ordinance; and

WHEREAS, the Town of Lowell, based on those recommendations has conducted a public hearing after due notice as required by law on the proposed amendment; and

WHEREAS, the Town of Lowell, after conducting said public hearing and after due deliberation, has concluded that amendments to Section 155.088 Public improvement standards, Section 155.093 Outdoor Lighting Standards, Section 155.193 Major Subdivision Plats, Section 155.194 Surety, Section 155.195 Principles and standards of design is appropriate, and Section 155.196 Construction Standards.

WHEREAS, the Lowell Town Council of the Town of Lowell deems it to be in the best interest of the general health, safety, and welfare of the citizens of the Town to amend Title 15 Land Usage of the Lowell Code of Ordinances; and

NOW THEREFORE, BE IT ORDAINED THAT THE LOWELL SUBDIVISION REGULATIONS ORDINANCE BE AMENDED AS FOLLOWS:

1. § 155.088 is hereby deleted in its entirety and replaced with the following:

§ 155.088 PUBLIC IMPROVEMENT STANDARDS

These public improvement standards apply in the following districts: AG, R1, R2, R3, R4, MH, PB, B1, B2, TC, LI and HI.

(A) *General requirements.* Developments are permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development.

(1) The Plan Commission, based on the recommendations of the Town Engineer and Planning Director, shall make determinations as to needed street, utility, and drainage improvements.

(2) All public improvements must be constructed to comply with all applicable standards included in this chapter, the Subdivision Control Code, being §§ 155.190 et seq. and any other adopted construction standards of the town.

(B) *Sidewalks.* All developments shall be required to install public sidewalks along any public streets within and adjacent to the development.

(1) All sidewalks shall be constructed in the right-of-way or in a sidewalk easement adjacent to the right-of-way.

(2) Sidewalks shall be separated from the back of curb of the adjacent road by a planting strip which is a minimum of ten feet in width along arterial and local roads. Generally, the back of the sidewalk shall not be located less than one foot inside of the right-of-way line for the adjacent road.

(3) Sidewalks shall be a minimum of five feet in width and constructed of concrete consistent with all applicable town construction standards.

(C) *Internal pedestrian ways.* All developments shall be required to install designated walks or paths providing for pedestrian and bicycle movement between public sidewalks and the structures on the site.

(1) These designated walks shall be a minimum of five feet in width and include an improved surface of concrete.

(2) Designated walks shall be separated by grade or distance from entrance drives and internal traffic aisles and drives.

(D) *Street dedications.* All developments shall be required to dedicate right-of-way consistent with the classifications of the town Thoroughfare Plan for all existing and proposed roads transecting or adjacent to the property being developed.

(E) *Street construction.* The owners of new development shall install the portion of new roads proposed by the adopted Thoroughfare Plan transecting or adjacent to a property being developed if either of the following conditions are present:

(1) The development has direct access to the road proposed by the Thoroughfare Plan;
or

(2) The road proposed by the Thoroughfare Plan will provide previously unavailable access to other properties controlled by the owner of the new development.

(F) *Street trees.* All developments shall be required to provide street trees within the right-of-way.

(1) One street tree shall be planted for every 40 feet of road frontage.

(2) All street trees shall be a minimum of two and one half inch caliper as measured consistent with the American Nursery Standards Institute (ANSI) at the time of planting and shall be of a species listed as an approved street tree in the Subdivision Control Code, §§ 155.190 et seq.

(3) No tree may be planted so that its center is closer than two feet to a sidewalk or curb, or edge of pavement if no curbs are present. No tree shall be planted within 25 feet of the intersection of two street rights-of-way, or within ten feet of the intersection of a street and an entrance driveway. No tree shall be planted within ten feet of any fire hydrant or five lateral feet of any underground utility service.

(G) *Public utilities.* All new developments shall be required to connect to public sanitary sewer, water, and stormwater drainage systems as specified by §§ 155.030 through 155.043.

(1) Stormwater drainage systems in developments shall not result in any additional run-off being transferred to adjacent properties other than through proper easements established for that purpose.

(2) The size of all water and sewer mains shall be large enough not only to serve the areas under immediate consideration, but also to serve areas which are likely to be developed and which should be served by the extensions under consideration.

(3) Fire hydrants and other firefighting infrastructure shall be installed consistent with the requirements of the appropriate fire district.

(H) *Easements.* No structure, with the exception of fences, may be located in, or otherwise obstruct any easement. Fences shall be permitted within easements subject to the receipt of written permission from the easement holder. Approval of the Planning Director shall be required for all fences proposed for placement in easements which are held by the town.

(I) *Dry fire hydrants.* In locations where fire hydrants served by a public water system cannot be provided, dry hydrants shall be provided in all lakes and stormwater retention and detention ponds subject to the specifications of the appropriate local fire department.

2. § 155.093 is hereby deleted in its entirety and replaced with the following:

§ 155.093 OUTDOOR LIGHTING STANDARDS

These outdoor lighting standards apply to the following districts: AG, R1, R2, R3, R4, MH, PB, B1, B2, TC, LI and HI. All outdoor lighting systems in the town shall be consistent with the following minimum standards and requirements.

(A) *Purpose and intent.* The purpose of this section is to regulate the placement, orientation, distribution patterns, and fixture types of outdoor lighting. The intent is to encourage lighting that:

- (1) Provides safety, utility, and security;
- (2) Prevents glare on public roadways;
- (3) Protects the privacy of residents; and
- (4) Reduces atmospheric light pollution.

(B) *Outdoor lighting compliance statement.* The applicant for any permit for work involving outdoor lighting fixtures governed by this section shall submit, as part of the site plan, evidence that the proposed work will comply with this section. This information shall contain but not be limited to the following:

- (1) The location, height, make, model, lamp type, and wattage of each outdoor lighting fixture;
- (2) Certification that the angle of total light cutoff is no more than 90 degrees; and
- (3) Additional information the Planning Director may determine is necessary, including but not limited to luminance level profiles.

(C) *Approved materials and methods of construction, installation, or operation.* The provisions of this section are not intended to prevent the use of any design, material, or methods of installation or operation not specifically prescribed by this section, provided any such alternate has been approved. The Planning Director may approve any such proposed alternative provided it:

- (1) Provides at least approximate equivalent to the applicable specific requirement of this section; and
- (2) Is otherwise satisfactory and complies with the purpose and intent of this section.

(D) *General requirements.*

(1) *In all zoning districts.* All outdoor lighting fixtures, including display lighting, shall be turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary.

(2) *Auto/truck filling stations.* Island canopy ceiling fixtures shall be recessed.

(3) *Recreational facilities, public or private.* Lighting for outdoor recreational facilities shall be shielded according to the table at the end of this section.

(4) All light fixtures that are required to be fully shielded shall be installed and maintained so that the shielding is effective as described in the definition of a full-shielded fixture in the definitions below.

(5) A minimum of one foot-candle of light shall be provided in commercial areas where pedestrians might be present.

(E) *Special requirements.* In industrial and commercial districts, and industrial, commercial, and institutional uses in any zoning district:

- (1) Outdoor lighting fixtures shall comply with the shielding requirements described in the table below;

(2) Light trespass from a property shall be designed not to exceed 0.5 foot-candles at the property line.

| <i>Outdoor Lighting Shielding Requirements</i> | |
|---|----------------------------------|
| <i>Fixture Lamp Type</i> | <i>Shielded</i> |
| Low/high pressure sodium, mercury vapor | Fully |
| Metal halide and fluorescent over 50 watts; Incandescent over 160 watts | Fully |
| Incandescent 160 watts or less | None |
| Fossil fuel | None |
| Any light source of 50 watts or less | None |
| Other sources | As approved by Planning Director |
| Note: Incandescent includes tungsten-halogen (quartz) lamps | |

(F) *Exemptions.* The following uses shall be exempt from the provisions of this chapter:

- (1) Roadway and airport lighting and lighting activated by motion sensor devices;
- (2) Temporary circus, fair, carnival, or civic uses;
- (3) Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting;
- (4) Temporary lighting;
- (5) Lighting associated with agricultural pursuits.

(G) *Definitions.*

FULLY SHIELDED FIXTURE. An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixtures.

GLARE. Light that causes annoyance, discomfort, or loss in visual performance and ability.

OUTDOOR LIGHTING FIXTURE. An electrically powered illuminating device or other outdoor lighting fixture including all parts used to distribute the light and/or protect the lamp, permanently installed or portable, used for illumination. Such devices shall include, but are not limited to, search, spot flood and area lighting.

RECESSED LIGHTING FIXTURE. An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

3. § 155.193 is hereby deleted in its entirety and replaced with the following:

§ 155.193 MAJOR SUBDIVISION PLATS

(A) *Intent.* The intent of a major subdivision process is to allow for all subdivisions of land that are not exempt.

(B) *Major subdivision application and review procedure.* The following is a brief overview of the major subdivision process. The complete details of the major subdivision process are provided throughout this section and subchapter.

(1) The petitioner submits an application for sketch plan review and the appropriate supportive materials for the review and comment of the Planning Director.

(2) The petitioner submits an application for preliminary plat approval and the appropriate supportive materials to the Planning Director for placement on the Plan Commission agenda.

(3) The petitioner corresponds with all applicable regulatory agencies for all other permits necessary. These may include, but are not limited to the following:

- (a) The County Health Department;
- (b) The County Resource Conservation District office;
- (c) The County Surveyor and Drainage Board;
- (d) The County Auditor's Office;
- (e) The Lowell Police Department;
- (f) The appropriate local fire district;
- (g) The appropriate local school corporation;
- (h) The Indiana Department of Transportation;
- (i) The Indiana Department of Environmental Management;

(j) The Indiana Department of Natural Resources;

(k) The Town Engineer; and

(l) All applicable utility companies.

(4) The Planning Director places the request on the agenda for appropriate Technical Review Committee and Plan Commission meetings.

(5) The Technical Review Committee reviews the proposed subdivision and provides comments to the petitioner. The petitioner attends the Technical Review Committee meeting for the application and proposed plat to be reviewed.

(6) The petitioner revises the proposed Preliminary Plat and submits revised copies of all appropriate materials for use at the Plan Commission hearing.

(7) The petitioner provides public notice as specified in this subchapter. The petitioner permits the posting of a sign on the property giving notice of the proposal.

(8) The petitioner attends the Plan Commission public hearing for consideration of the preliminary plat.

(9) The petitioner submits an application for construction plan approval and the appropriate supportive materials to the Planning Director for review.

(10) The petitioner constructs the subdivision, coordinating the appropriate inspections with the Planning Director and other appropriate town officials and agencies. If conditions were attached to the preliminary plat approval, the petitioner must meet all conditions prior to final plat approval.

(11) The petitioner submits an application for final plat approval and all appropriate supportive materials to the Planning Director for review.

(12) The Technical Review Committee considers the final plat which, if approved, is certified by the President and Secretary of the Plan Commission and forwarded to the Town Council for consideration of the acceptance of the public improvements.

(13) The Town Board considers the acceptance of the public improvements and the signing of the final plat.

(14) The petitioner obtains any other required signatures and records the final plat in the office of the County Recorder. The petitioner supplies one copy of the recorded plat to the Planning Director for the records of the Plan Commission.

(C) *Sketch plan application and review procedure.*

(1) *Application requirements.* In order to begin the subdivision process the applicant shall file an application for sketch plan review with the Planning Director. This application shall:

(a) Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;

(b) Be accompanied by the specified number of copies of a sketch plan which meets the requirements provided by this section;

(c) Be accompanied by a fee in the amount established by the adopted fee schedule;

(d) Be accompanied by the specified number of copies of an area map which includes an indication of all contiguous holdings of the owner of the property subject to the petition, including land in the same ownership, with an indication of the portion which is proposed to be subdivided.

1. The map shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's office.

2. The map shall list the legal owner of the property, the contract owner of the property, optionee of the property, and the date on which any contract of sale was executed. If any corporations are involved, the Planning Director may request a complete list of all directors, officers, and a listing of stockholders if less than ten in number.

(2) *Review procedure.* The Planning Director shall review the application for sketch plan review and all supportive information and meet with the petitioner within 30 days of the receipt of the application. The Planning Director shall provide the petitioner with comments regarding the proposed subdivision and either approve, approve with recommended modifications, or recommend resubmittal of the application for sketch plan review.

(a) The Planning Director shall approve the sketch plan if it is conceptually consistent with the requirements of this subchapter, the zoning code, and the comprehensive plan.

(b) The Planning Director shall approve the sketch plan with modifications if specific conceptual adjustments are needed to meet the requirements of this subchapter or the zoning code. The petitioner shall address the comments of the Planning Director on the preliminary plat for the proposed subdivision.

(c) The Planning Director shall recommend re-submittal of an application for sketch plan review if the proposed subdivision is conceptually inconsistent with the requirements of this subchapter, the zoning code, or the comprehensive plan. If re-submittal is recommended, the petitioner may provide a revised application to the Planning Director within 90 days of the date of the resubmittal application without a new application and fee being required.

(3) *Review criteria.* In taking into consideration the requirements of this process and subchapter, particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot size and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the applicable Thoroughfare Plan.

(4) *Expiration of approval.* The petitioner shall file an application for preliminary plat approval with the Planning Director within six months of the date of sketch plan review. If a preliminary plat approval application consistent with the requirements of this section is not made in this time period the sketch plan approval shall expire. The petitioner shall be required to submit a new application for sketch plan review, including all applicable fees, consistent with the requirements of this section.

(D) *Specifications for sketch plan documents to be submitted.* Sketch plans submitted to the Commission office, prepared in pen or pencil, shall be drawn to a convenient scale of not more than 100 feet to an inch and shall show the following information.

(1) *Property name.*

(a) The name of the subdivision if the subject property is within an existing subdivision;

(b) A proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any subdivision plat previously recorded nor for which primary approval is still in effect; or

(c) Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

(2) *Property ownership.*

(a) The name and address, including telephone number, of the legal owner, the developer of the property or his/her agent, and citation of last instrument conveying titles to each parcel of property the developer involved in the proposed subdivision, giving grantor, grantee, date, and land records reference;

(b) Citations of any existing covenants on the property;

(c) The name and address, including telephone number, of the professional person(s) responsible for the subdivision design, for the design of the public improvements, and for surveys.

(3) *Property description.* The location of the property, the name of the local jurisdiction, lot, section, range and county, graphic scale, north arrow, and date.

(4) *Development description.*

(a) The location of property lines, existing easements, railroad rights-of-way, watercourses, and existing wooded areas; and the location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract;

(b) The location and sizes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way;

(c) Approximate topography, at the same scale as the sketch plan (normally showing two-foot contour intervals, but the Planning Director may require one-foot intervals on very flat land or permit five-foot intervals on very steep slopes);

(d) The approximate location and widths of proposed streets;

(e) Preliminary proposals for connection with existing water supply and sanitary sewage systems (or alternative means of providing water supply and sanitary waste treatment and disposal) and preliminary provisions for collecting and discharging surface water drainage;

(f) The approximate location, dimension, and areas of all proposed or existing lots shown in feet and in acres;

(g) The approximate location, dimension, and areas of all parcels of land proposed to be set aside for open space, or for another use of property owners in the proposed subdivision;

(h) The location of temporary stakes to enable the Planning Director to find and appraise features of the sketch plan in the field.

(5) *Vicinity map.* A vicinity map showing streets and other general development of the surrounding area.

(6) *Contiguous holdings description.* Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than 200 feet to the inch, a sketch of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the property.

(E) *Preliminary plat application and review procedure.*

(1) *Application requirements.* The applicant shall file an application for preliminary plat approval and the specified number of copies with the Planning Director. This application shall:

(a) Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;

(b) Be accompanied by all required approvals of the Town Engineer;

(c) Be accompanied by the specified number of copies of a preliminary plat meeting the requirements provided by this section;

(d) Be accompanied by a fee in the amount established by the adopted fee schedule; and

(e) Be accompanied by a copy of all comments received from the appropriate local utility providers. (At a minimum, the subdivider shall provide an affidavit indicating that a copy of the proposed preliminary plat has been provided to all appropriate local utilities).

(2) *Processing standards.* No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Planning Director. No docket number shall be released until all applicable fees have been paid for the application.

(3) *Meeting dates established.* In accordance with I.C. 36-7-4-705, the Planning Director shall announce the date of a hearing before the Plan Commission within 30 days after receipt of a final and complete application. The dates of the Technical Review Committee meeting and Plan Commission hearing shall be based on the adopted calendar of meeting and filing dates and shall be based on the date upon which the application for preliminary plat approval is filed with the Planning Director.

(4) *Technical Review Committee.* The Planning Director shall place the application for preliminary plat approval on the agenda for the applicable meeting of the Technical Review Committee.

(a) In reviewing the application, the Technical Review Committee shall consider the provisions of this subchapter, the zoning code, and other applicable adopted requirements.

(b) The Committee shall make comments regarding the application. Based on those comments, the Planning Director shall either forward the application to the Plan Commission or require further review.

1. The Planning Director shall forward the application for preliminary plat approval to the Plan Commission if addressing the comments made will not require the applicant to significantly alter the layout of streets, lots, utility systems, topography, or other proposed subdivision features. The applicant shall revise the preliminary plat consistent with the comments received from the Committee and supply revised application materials and the specified number of copies to the Planning Director in preparation for the Plan Commission hearing by the date specified on the adopted calendar of meeting and filing dates.

2. The Planning Director shall require further review of the application for preliminary plat approval if addressing the comments made will require significant alterations in the layout of streets, lots, utility systems, topography, drainage ways, or other proposed subdivision features. The application shall be placed on the agenda for further review at the next Technical Review Committee meeting. The applicant shall revise the preliminary plat consistent with the comments received from the Committee and supply revised application materials and

the specified number of copies to the Planning Director in preparation for further review by the Technical Review Committee by a date specified on the adopted calendar of meeting and filing dates.

(5) *Notice of public hearing.* Notice of public Hearing shall be given in accordance with the requirements of § 155.191 prior to the Plan Commission meeting when the proposed preliminary plat is to be heard.

(6) *Plan Commission hearing.* The Planning Director shall place all applications forwarded to the Plan Commission by the Technical Review Committee on the agenda for a public hearing at the appropriate Commission meeting based on the adopted calendar of meeting and filing dates.

(a) The Plan Commission shall hold a public hearing on the petition, considering the preliminary plat application materials, the report of the Technical Review Committee prepared by the Planning Director, and testimony from the petitioner and any interested parties. At the public hearing, the Plan Commission shall approve, approve with conditions, continue, or deny the application for preliminary plat approval.

1. The Plan Commission shall approve the preliminary plat if it is found to be completely consistent with the decision criteria provided by this section.

2. The Plan Commission shall approve the preliminary plat with conditions if it is generally consistent with the decision criteria, but specific minor modifications are required to meet all of the applicable requirements.

3. The Plan Commission shall table the preliminary plat consistent with the adopted rules and procedures of the Plan Commission.

(b) The Plan Commission shall deny the preliminary plat if it is found to be inconsistent with the decision criteria provided by division (E)(7) below and requires modifications that would result in changes to the layout of public improvements, lots, drainage systems, or other characteristics of the subdivision.

(c) The Plan Commission shall make written findings documenting its decision. The Planning Director shall return one copy of the application for preliminary plat approval and the plat to the petitioner with the date of approval, conditional approval, continuance, or disapproval and a copy of the written findings of the Commission within ten business days of the date of the decision. The Planning Director shall maintain one file copy of the preliminary plat application and plat.

(d) Approval of a preliminary plat by the Commission is not final approval of the subdivision.

(e) The approval of the preliminary plat shall expire 18 months from the date of the Commission's decision if the applicant has not proceeded with the development by applying for construction plan approval.

1. Extensions of time may be granted by the Plan Commission upon the request of the petitioner.

2. In the case of preliminary plats which are divided into sections for the purpose of a phased construction, the preliminary plat shall expire five years after the date of approval of the construction plans for the most recently developed section if construction plans for the subsequent section have not been approved and the installation of public improvements in that section commenced. Non-residential preliminary plats shall expire ten years from the date of approval.

(f) If the preliminary plat application is denied, the petitioner may not resubmit the same application for six months from the date of disapproval. Fees on a resubmitted preliminary plat application shall be the same as if it were an original submittal.

(7) *Decision criteria.* In reviewing applications for preliminary plat approval, the Plan Commission shall consider the following criteria.

(a) The degree to which the proposed preliminary plat is consistent with the provisions of the Comprehensive Plan;

(b) The degree to which the proposed preliminary plat is consistent with the requirements of this subchapter;

(c) The degree to which the proposed preliminary plat is consistent with the intent and standards of the zoning district in which it is located; and

(d) The degree to which the proposed preliminary plat is consistent with the all adopted construction standards for public improvements in the town, and standard engineering practices.

(F) *Specifications for preliminary plat documents to be submitted.* The proposed preliminary plat shall be prepared and certified by a land surveyor registered by the State of Indiana. It shall be designed on state plane coordinates, drawn at a scale of 100 feet to one inch on sheets not exceeding 24 inches by 36 inches in area. The proposed preliminary plat shall include:

(1) *Property name.*

(a) The name of the subdivision if the subject property is within an existing subdivision; or

(b) A proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any subdivision plat previously recorded nor for which preliminary plat approval is still in effect.

(2) *Property ownership.*

(a) The name and address, including telephone number, of the legal owner, the developer of the property or his/her agent, and citation of last instrument conveying titles to each parcel of property to the developer involved in the proposed subdivision, giving grantor, grantee, date, and land records reference;

(b) Citations of any existing covenants on the property;

(c) The name and address, including telephone number, of the professional person(s) responsible for the subdivision design, for the design of the public improvements, and for surveys.

(3) *Property description.*

(a) A dimensioned drawing of the parcel of land which is being subdivided, including any remaining tract;

(b) Subdivision boundary lines showing dimensions, bearings, and references to section, range and lines or corners.

(4) *Development description.*

(a) A legend and notes, including a graphic scale, north point, and data;

(b) The approximate location of existing or proposed septic systems including termination point and outlet of all perimeter drain systems and/or the municipal sanitary sewer system;

(c) The approximate location of any existing or proposed wells and/or the municipal water system;

(d) Preliminary plat approval certificate for signing by the Plan Commission President and Secretary;

(e) Lot numbers, including the location of monuments and the area for each lot (listed in square footage and acres), and the buildable areas of each lot per applicable zoning district setback requirements and any other regulatory or natural limitations;

(f) All existing and proposed easements including the location, width, and purpose of each easement;

(g) All existing and proposed streets and rights-of-way on and adjoining the site of the proposed subdivision showing the proposed names, roadway widths, approximate gradients, types and widths of pavements, curbs, and sidewalks;

(h) Any parcels of land proposed to be dedicated or reserved for common areas, schools, parks, playgrounds, or other public, semi-public, or community purposes;

(i) The location, size, and invert elevation of utilities existing and proposed adjacent to and on the site, including storm and sanitary sewers; water mains; electrical, telephone, and cable television lines; street lights; fire hydrants; and such other utilities as may be appropriate;

(j) The location(s) of any existing structure(s) on the site and a description of its future demolition or incorporation into the proposed subdivision;

(k) The location and results of tests, as required by any county, state, or federal government agencies made to ascertain subsurface soil, rock, and groundwater conditions;

(l) All proposed sidewalks or pedestrian trails;

(m) All locations of existing and proposed street lights and street signs;

(n) A statement of the expected demand of the subdivision for capacity at the applicable waste water treatment facility;

(o) All proposed landscaping, signage, development entrance features, screening, and attempts at preserving natural terrain and open space. (The Plan Commission, Technical Review Committee, or Planning Director may request a landscaping plan or buffering plan, prepared by a registered landscape architect, architect, surveyor, or engineer to be submitted on a separate sheet);

(p) The estimated traffic count increase on adjacent streets resulting from the proposed development; a description of type and condition of roads serving the subdivision site; the total number of motor vehicles expected to use or be stationed in the subdivision; and a description of on and offsite parking to be supplied.

(5) *Subdivision phasing description.* If the preliminary plat is to be divided into sections for the phasing of development, the preliminary boundaries and numbers of such sections shall be shown. In no case may any section contain less than 10% of the proposed lots.

(6) *Subdivision covenants.* Any protective covenants applicable to the subdivision shall be prepared by the petitioner and be legally sound. Covenants shall be incorporated in the plat and subject to the approval of the Commission. At a minimum, covenants shall provide a means for the maintenance and upkeep of drainage swales and other drainage facilities and any common areas or entry features.

(7) *Contiguous holding description.* Whenever the preliminary plat covers only a part of a petitioner's contiguous holdings, the petitioner shall submit, at the scale of no more than one inch equals 200 feet, a sketch of the entire holding, including the proposed subdivision area, showing an indication of the probable future street and drainage systems, for the remaining portion of the tract.

(8) *Soils description.* On a separate sheet, a soils map shall be provided showing soil boundaries and their identification, the existing and proposed street pattern, any mineral resource areas, and 100-year floodplains.

(9) *Drainage plan and report.* The subdivider shall provide a drainage report describing the existing and proposed drainage conditions and evaluating the ability of the proposed water courses, channels, drainage tiles, farm tiles, storm sewers, culverts, and other improvements to accommodate the additional run-off generated by the proposed subdivision.

(a) *Drainage report.* A registered professional engineer or land surveyor shall prepare the report, which shall include:

1. The conditions of the watershed which may affect run-off, such as subsoil type, positive drainage, and obstructions;
2. The location of all subsurface known drainage tiles and a plan to preserve or relocate the tiles;
3. Estimates of the water entering the subdivision (computations for major drainage ways shall assume that the upper watershed has been developed according to current growth estimates);
4. A description of minor and major drainage systems. The minor drainage system shall consist of storm sewers, drainage ditches, grassed swales, and storm inlets or infiltration structures. The major system shall consist of roadways, culverts, bridges, and drainage flow-ways.

(b) *Watershed map.* On a separate sheet, a watershed map complementing the drainage report using current LIDAR contour information shall be provided, showing:

1. The delineation of the drainage area in which the subdivision is located;
2. The location of drainage courses and the existing direction of surface water flow within the drainage area.

(c) *Drainage plan description.* On a separate sheet, a description of drainage/topography/ natural environment complementing the drainage report shall be provided which includes the following information:

1. The location of wetlands and impacted drainage areas;
2. The location of natural streams, regulated drains, 100-year flood plains and floodways;
3. The location of any existing or proposed subsurface drain tile, structures, culverts, or swales;

4. A map noting significant physical and topographical features of the tract. This map shall also show the proposed direction of the flow of surface water runoff from the site;

5. A preliminary drainage plan showing the proposed storm water drainage system to an improved outlet. The plan shall include surface drainage system, storm sewer systems, subsurface drainage systems, and storm water detention facilities. Arrows designating the general drainage of all streets and lots shall be included.

(10) *Vicinity description.* On a separate sheet a vicinity map must be submitted that includes the following information:

(a) Location of the proposed subdivision within the town;

(b) Existing subdivisions and lots adjacent to or within 200 feet of the proposed subdivision. The owners of each of these tracts shall be identified on the drawing with the date and book and page (or instrument number) of the last conveyance of ownership;

(c) Existing schools, parks, playgrounds, or other similar public facilities that will serve the proposed subdivision;

(d) Location and size of all utilities adjacent to or within 200 feet of the subdivision site, including sanitary and storm sewers, gas lines, electric lines, telephone lines, water mains, fire hydrants, and cable television lines;

(e) All public thoroughfares/rights-of-way adjacent to or within 200 feet of the site;

(f) Existing streets and rights-of-way on and adjoining the site of the proposed subdivision showing the names, roadway widths, approximate gradients, surface types, and widths of pavements and curbs;

(g) Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision;

(h) All section and municipal corporate boundaries lying within or contiguous to the tract.

(11) *Engineering feasibility report.* A feasibility report prepared by a registered professional engineer or land surveyor covering sewage, water, and drainage facilities for the subdivision shall be provided which includes, but is not limited to, the following:

(a) *Utility systems.* A description of the feasibility of connecting to existing storm and sanitary sewers and water supply. This portion of the report shall include the distance from the nearest public sewer and the capacity of the existing system intended to handle the additional waste load.

(b) *Street construction.* A preliminary report on the types of street construction based on the specifications provided by this subchapter and any additional requirements of the Town Engineer.

(G) *Construction plan application and review procedure.*

(1) *Application requirements.* It shall be the responsibility of the petitioner to prepare and have certified, by a registered land surveyor or licensed engineer in the State of Indiana, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities. The applicant shall file an application for construction plan approval and the specified number of copies with the Planning Director. This application shall:

(a) Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;

(b) Be accompanied by the specified number of copies of the construction plans meeting the requirements provided by this section; and

(c) Be accompanied by a fee in the amount established by the adopted fee schedule.

(2) *Processing standards.* No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Planning Director.

(3) *Technical Review Committee.* The Planning Director shall place the application for construction plan approval on the agenda for the applicable meeting of the Technical Review Committee and distribute copies of the submittals to the Committee members.

(a) The applicant shall be responsible for obtaining the necessary approvals of utility providers, or other county, state, or federal agencies not represented on the Technical Review Committee.

(b) In reviewing the application, the Technical Review Committee shall consider whether or not the construction plans meet the requirements of this subchapter and any other adopted and applicable construction standards or common engineering practices, and are consistent with the approved preliminary plat.

(c) The Committee shall make comments regarding the application and either approve, approve with modifications, table and recommend modifications, or deny the construction plan approval request.

1. The Committee shall approve the construction plans if they are consistent with the approved preliminary plat and all applicable provisions of this subchapter, other applicable construction standards, and common engineering practices.

2. The Committee shall approve the construction plans with modifications if minor modifications are required for the plans to be consistent with the approved preliminary plat and all applicable provisions of this subchapter, other applicable construction standards, and common engineering practices. Minor modifications are those which can be adequately agreed upon by the Committee and the applicant at the Technical Review Committee meeting and which do not impact other aspects of the subdivision's construction which would require subsequent review. The specified modifications shall be made by the petitioner and the specified number of construction plan sets provided to the Planning Director within 90 days of the Committee meeting.

3. The Committee shall table and recommend modifications to construction plans which require significant modifications to be consistent with the approved preliminary plat and all applicable provisions of this subchapter, other applicable construction standards, and common engineering practices. The petition shall be placed on the agenda for the next applicable Technical Review Committee meeting. The petitioner shall provide the specified number of revised sets of construction plans to the Planning Director for review prior to that meeting consistent with the adopted calendar of meeting and filing dates.

4. The Committee shall deny the Construction Plans if they are found to be generally inconsistent with the approved Preliminary Plat and any applicable provisions of this subchapter, construction standards, and common engineering practices. Applicants may again apply for construction plan approval following a denial, and shall be required to pay all applicable fees consistent with the procedure for original petitions established by this section.

(d) Upon approval of construction plans by the Technical Review Committee, the Planning Director shall mark one set as "approved" and return it to the applicant with an improvement location permit issued pursuant to the Building Code for the approved construction.

(H) *Specifications for construction plan documents to be submitted.* The construction plans shall be based on the approved preliminary plat. Construction plans shall be prepared for all required improvements. Construction plans shall be submitted in both paper (hard copy) and electronic format. Plans shall be drawn on standard 24-inch by 36-inch sheets at a scale of no less than one inch equaling 50 feet. The plans shall show the following:

(1) A map noting significant physical and topographical features of the tract. For plats containing more than two lots, a topographical map at typical intervals of two-foot contours, which shall be extended 100 feet beyond the boundary lines of the proposed tract, shall be submitted. This map shall also show the direction of the flow of surface water runoff to and from the site.

(2) Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within 100 feet of the intersection shall be shown. Radii of all curves, lengths of tangents, central angles on all streets, and the intersection details shall be shown.

(3) The Planning Director may require, where steep slopes exist, the cross-sections of all proposed streets.

(4) Plans and profiles showing the location and typical cross-section of streets including curbs, gutters, sidewalks, rights-of-way, drainage facilities, manholes, and catch basins. Plans shall also show the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, water lines, gas, and fire hydrants, showing connection to any existing or proposed utility systems.

(5) Location, size, elevation, and other appropriate descriptions of any other existing physical and natural features or facilities including features noted on the official map of local government, trees, the points of connection to proposed facilities and utilities, and the approximate high- and low-water elevations of all ponds, lakes, and streams.

(6) Any other construction details required to be shown by the Planning Director, Town Engineer, or Technical Review Committee.

(I) *Completion of improvements.* The petitioner shall obtain from the Town Council information regarding the current policies regarding the installation and inspection of public improvements. The applicant shall construct the subdivision, or section thereof, consistent with the approved construction plans, and the policies and procedures of the appropriate inspecting agencies or persons. No site work or earthwork shall be allowed until an improvement location permit has been issued.

(1) All required improvements shall be made by the petitioner, at his/her expense, without reimbursement by the local government or any improvement district therein.

(2) The petitioner shall be required to maintain at his/her expense a licensed civil engineer or surveyor who shall certify that the subdivision construction is in compliance with the approved Construction plans at the time the final plat approval request is submitted to the Planning Director.

(3) If the Planning Director or Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications, the petitioner shall be responsible for correcting any errors in construction and completing the improvements in accordance with such standards and specifications. Wherever the cost of improvements is covered by a performance surety, the petitioner and the bonding company shall be severally and jointly liable for completing the improvements according to the appropriate specifications.

(J) *Final plat application and review procedure.*

(1) *Application requirements.* The applicant shall file an application for final plat approval and the specified number of copies with the Planning Director. This application shall:

(a) Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;

(b) Be accompanied by the specified number of copies of the final plat meeting the requirements provided by this section;

(c) Be accompanied by the original documents and the specified number of copies of the surety required by this subchapter for all public improvements;

(d) Be accompanied by "as-built" drawings showing the location, dimensions, and materials used to construct all improvements within the subdivision;

(e) Be accompanied by a computer disk containing an electronic version of the final plat and "as built" drawings in a format specified by the Planning Director;

(f) Be accompanied by the specified number of copies of a map showing the locations of all street signs, street lights, and fire hydrants. Also included shall be a check reimbursing the town for any costs associated with street sign installation as adopted by the Town Council;

(g) Be accompanied by a fee in the amount established by the adopted fee schedule.

(2) *Processing standards.* No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Planning Director.

(3) *Technical Review Committee.* The Planning Director shall place the application for final plat approval on the agenda for the applicable meeting of the Technical Review Committee and distribute copies of the submittals to the Committee members.

(a) In reviewing the application, the Technical Review Committee shall consider whether or not the proposed final plat drawing, the public improvements, and the surety provided is consistent with the approved preliminary plat, the approved construction plans, and the requirements of this subchapter and any other applicable improvement standards and processes.

(b) The Committee shall review all final plat approval materials submitted in a meeting with the applicant, and shall either approve, table and require modification, or deny the final plat application.

1. The Committee shall approve the final plat if all required application materials are provided in a manner consistent with this subchapter and any other adopted procedures of the town.

2. The Committee shall table and require modifications of the final plat application if additional information is needed or modifications are required for the final plat drawing or the accompanying materials to be consistent with the approved preliminary plat, construction plans, and/or the requirements of this subchapter.

3. The Committee shall deny the final plat if the application materials are inconsistent with the approved preliminary plat or construction plans.

(4) The Planning Director shall sign the final plat as an indication of the Technical Review Committee approval. The approval of the final plat by the Technical Review Committee shall be certified on behalf of the Plan Commission by the President and Secretary who shall affix their signatures to the final plat original and all other relevant documents which also may require such signatures.

(5) If the Committee disapproves the final plat, the Planning Director shall make written findings and notify the petitioner in writing, stating the specific reasons for disapproval. This written notice shall be certified by the signature of the President and Secretary of the Plan Commission. The applicant may not reapply for final plat approval prior to six months from the date of the denial. Reapplication shall be through the process for original applications described in this section.

(6) Approval of the final plat shall be effective for a maximum period of one year from the date of approval unless it is signed and recorded as required by this subchapter. An extension of time may be approved by the Plan Commission, upon the request of the petitioner.

(K) *Specifications for final plat documents to be submitted.*

(1) All final plats shall be shown at a scale and shall include the following information on a sheet meeting the requirements of the County Recorder:

(a) Accurate boundary lines, with dimensions and angles, which provide a survey per state statute in state plane coordinates;

(b) Accurate distances and directions to the nearest official monument. Reference corners shall be accurately described on the plat;

(c) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract;

(d) Accurate metes and bounds description of the tract boundary;

(e) Source of title of petitioner to the land as shown by the last entry in the books of the County Auditor;

(f) Name of subdivision followed by the words "Final Plat;"

(g) Name, address, and phone number of the petitioner;

(h) North point, graphic scale, and date;

(i) Street names;

(j) Complete curve table for all curves included in the plat;

(k) Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines. Radii, points of curvatures, tangent bearings, and lengths of all arcs of street lines shall be provided;

(l) Lot numbers and dimensions including the square footage of each lot;

(m) Accurate locations of easements, description of their use, and any limitations on such semi-public or community use;

(n) Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use, including sidewalks, bikeways, and other recreational ways;

(o) Building lines and setback dimensions throughout the subdivision;

(p) Location, type, material, and size of all monuments and markers;

(q) Construction plans and specifications for the improvements required by this subchapter;

(r) Restrictions of all types which will run with the land and become covenants in the deeds for lots;

(s) Certification by a registered land surveyor;

(t) Certification by the petitioner(s) and lien holder(s) (if any) of dedication of streets and other public property, and an agreement executed by the petitioner(s) to make and install all improvements in accordance with the plans and specifications approved by the Commission and accompanying the final plat;

(u) Certificate of approval by the Planning Director and Plan Commission.

(2) All final plats shall also show any other information or data requested by the Director necessary to clarify conditions and terms of plat approval.

(L) Acceptance of public improvements.

(1) Approval of the final plat and certification by the Plan Commission shall not be deemed as an acceptance of any public improvements by the town. Following the signing of the final plat by the Plan Commission President and Secretary, the Planning Director shall place the application on the agenda of the Town Council.

(2) The Council shall review the application materials, the Technical Review Committee report prepared by the Planning Director, and the condition of the public improvements and surety. The Council shall consider input from the Town Attorney, Town Engineer, and the town departments responsible for the maintenance of the improvements.

(M) *Recording of plat.*

(1) It shall be the responsibility of the petitioner to file the approved and signed final plat with the County Recorder within 30 days of approval. Simultaneously with the filing of the final plat, the petitioner shall record any agreements of dedication together with any other legal documents as shall be required to be recorded by the Plan Commission or other applicable governmental agency. The filing and recording of a plat is without legal effect unless signed by the Plan Commission's president and secretary and the Town Council.

(2) The applicant shall be required to submit a mylar copy of the recorded final plat to the Planning Director for the records of the Plan Commission. No improvement location permits shall be issued for any lot in the subdivision until such a copy is provided.

(N) *Permit restrictions.*

(1) No improvement location permit shall be issued by the Planning Director, or his agent, for any structure on any subdivision lot prior to addresses being approved, and the installation and completion of all facilities, including grading, as shown on the plans approved by the Commission; except in the case of an asphalt road surface, sidewalks, and street trees, as specified below.

(a) The installation of the final asphalt road surface coat may, subject to the approval of the Town Engineer, be postponed until the end of the maintenance period.

(b) The installation of street trees and sidewalks may be delayed until structures are completed on each lot.

(2) No structure shall receive a certificate of occupancy until the required sidewalk and street trees are installed on the lot.

(2) All street trees and sidewalks and the final coat of asphalt shall be installed prior to the release of performance surety and the acceptance of those improvements for maintenance.

4. § 155.194 SURETY is hereby modified by adding subpart (E) to the end of the section as follows:

(E) Surety shall have an automatic renewal clause, keeping the surety in full force until it is released by the Town Council.

5. § 155.195 is hereby deleted in its entirety and replaced with the following:

§ 155.195 PRINCIPLES AND STANDARDS OF DESIGN

(A) *Purpose and use.*

- (1) The following divisions of this section state the design standards for all subdivisions. Each division is broken down into specific categories. These categories include:
 - (a) General standards - division (B);
 - (b) Lot standards - division (C);
 - (c) Block standards - division (D);
 - (d) Street location and arrangement standards - division (E);
 - (e) Street geometric standards - division (F);
 - (f) Cul-de-sac standards - division (G);
 - (g) Curb and gutter standards - division (H);
 - (h) Sidewalk standards - division (I);
 - (i) Street lighting standards - division (J);
 - (j) Subdivision and street name standards - division (K);
 - (k) Easement standards - division (L);
 - (l) Public sites and open space standards - division (M);
 - (m) Street tree standards - division (N);
 - (n) Sanitary sewer standards - division (O);
 - (o) Water supply standards - division (P);
 - (p) Private utility standards - division (Q);
 - (q) Environmental standards - division (R);
 - (r) General drainage standards - division (S);
 - (s) Covenant standards - division (T);
 - (t) Flood hazard area standards - division (U).

- (2) The purpose of these regulations is to:
 - (a) Promote the proper arrangement of roads;
 - (b) Prevent congestion of streets and promote traffic safety;
 - (c) Secure adequate public spaces;
 - (d) Insure proper densities of population;
 - (e) Provide adequate utilities and public improvements;
 - (f) Insure the accurate survey and proper preparation of plats; and
 - (g) Protect the health, safety, and general welfare of the people.

(B) *General standards.*

(1) No land shall be subdivided for any use if the land is considered by the Plan Commission to be unsuitable for such use by reason of flooding or improper drainage, or objectionable earth or rock formations, topography or other features harmful to the health, safety and welfare of future residents or visitors and by the community as a whole.

(2) The Plan Commission may require either a general or operational soil survey, with interpretations, where it is not readily apparent from existing information that the land to be subdivided is not subject to flooding or does not contain poor drainage characteristics.

(a) If required, the survey shall be conducted by a qualified person or agency acceptable to the Plan Commission. In the event that the Plan Commission finds the land to be subdivided unacceptable due to the results of the soils survey, the Plan Commission shall not approve the plat.

(b) The Plan Commission may prescribe conditions that the subdivider must meet to obtain approval and these conditions may be incorporated into an agreement between the Plan Commission and the subdivider.

(3) The subdivision design and layout shall be such that it protects the health, safety, and general welfare of the residents in the jurisdiction of the Plan Commission.

(4) No parent tract (defined in § 155.192(B)(1)) which includes more than six lots (including the remaining tract)) shall be permitted unless public sewer and water systems are available and will be used by all lots to be created and any remaining tract.

(5) In addition to the requirements established herein, all subdivision plats shall comply with the following rules, laws, and regulations:

(a) The local zoning Code, building and housing codes, and all other applicable laws of the town and the statutory provisions of the State of Indiana;

(b) The current Comprehensive Plan and Thoroughfare Plan as adopted by the Town Council;

(c) The rules and regulations of the Indiana Department of Environmental Management, the Department of Natural Resources, the Aeronautics Commission, the County Drainage Board, and other appropriate agencies;

(d) The rules, regulations and standards of the Indiana Department of Transportation (if the subdivision or any lot contained therein abuts a state highway);

(e) All applicable planning and regulatory guidelines, including access control, driveway manuals, parking and traffic control codes, and other applicable guides published or adopted by the town;

(f) The Indiana Manual of Uniform Traffic Control Devices for placement and installation of traffic control devices.

(6) All subdivisions shall be designed on state plane coordinates.

(C) *Lot standards.*

(1) All lot sizes, setbacks, widths, width to depth ratios, and other dimensions shall comply with the minimum standards provided by the Land Use and Development Code.

(a) When not served by public water and sewer, the lot sizes and other dimensions shall also conform with any additional requirements for the adequate provision of sewage treatment and water supply as determined by the County Health Department.

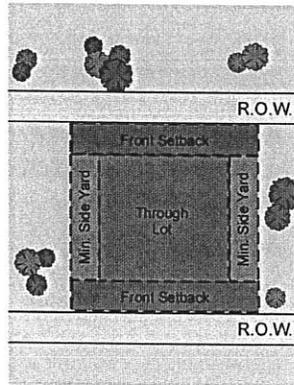
(b) In cases where the provisions of the zoning code and requirements of the Health Department are in conflict, the more restrictive shall apply.

(2) Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this requirement is permissible, but irregular lots, such as flag lots shall be avoided.

(3) The lot size, width, depth, shape, grade, location, and orientation shall be in proper relation to the street and block design and to existing and proposed topographical conditions.

(4) Every lot shall abut on a public street consistent with the requirements of this subchapter and the Land Use and Development Code.

(5) Double frontage lots (also known as through lots, shown below) shall be avoided except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.



(a) For all through lots, a landscaped common area shall be provided between the rear yard of the lots and the right-of-way of the adjacent street.

(b) The landscaped area shall be a minimum of 15 feet in width and meet the following requirements:

1. A row of deciduous canopy trees shall be planted parallel to the adjacent street, within the common area with trees placed an average of 20 feet apart. The trees shall measure two and one half inches in diameter at nursery height (six inches above the root ball) at the time of planting.

2. A six-foot tall opaque wooden fence or brick or stone wall, a four-foot tall undulating mound planted with shrubs, or a row of evergreen trees shall be placed within the landscape common area between the deciduous trees and the rear yard of the lots.

- a. If an undulating mound is used to fulfill the requirements, one shrub for every ten feet of continuous boundary shall be planted on the mound. All required shrubs shall measure 18 inches in height measured from grade at the time of planting.

- b. If a row of evergreen trees is used to meet the requirements, one tree shall be placed every ten feet long the common area. Evergreens shall measure six feet in height at the time of planting.

(6) Corner lots shall be required to provide front yard setbacks on both frontages, and shall be designed with adequate size and width to accommodate the required setbacks and adequate buildable area.

(7) Lots shall be numbered consecutively throughout the entire subdivision and shall be consistent with any phasing that may be planned for the development.

(8) Lots abutting a watercourse, drainage way, channel, stream, or flood plain shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required by the zoning code from front, rear, and side yards.

(9) Direct vehicular access from lots to arterial streets shall be prohibited. Lots in all developments shall generally be designed so as to prevent vehicles from having to back into any collector street. All nonresidential lots (including multifamily residential lots) shall generally be designed so as to prevent vehicles from having to back into any public street.

(D) *Block standards.*

(1) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted where reverse or double frontage lots are used in blocks adjacent to arterial or collectors streets, watercourses, or industrial or commercial areas.

(2) Block length, width, and acreage within bounding streets shall be such as to accommodate the size of lot required by the zoning code for the district in which the subdivision is to be located, and to provide convenient access, circulation control, and safety of street traffic.

(3) Blocks shall not exceed 800 feet in length, nor be less than 300 feet in length. In the case of a block exceeding 400 feet in length, a pedestrian sidewalk a minimum of five feet in width shall be provided within an easement not less than ten feet in the width near the center and entirely across the block to provide circulation or access to schools, playgrounds, common open space, shopping centers, transportation and other community facilities.

(a) The sidewalks shall be constructed consistent with the sidewalks construction standards provided in § 155.196.

(E) *Street location and arrangement standards.*

(1) *General requirements.* The arrangement, character, extent, width, grade and location of all streets shall be correlated to existing and planned streets, existing topography, public convenience and safety, and the proposed uses of the land to be served by such streets.

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

(b) The street layout shall provide adequate vehicular access to all lots and parcels of land within the subdivision.

(2) *Design considerations.* In designing and approving subdivision streets, the following factors shall receive consideration:

(a) Accessibility for emergency vehicles and school buses;

(b) Safety for both vehicular and pedestrian traffic;

(c) Efficiency of service for all users;

(d) Connectivity between subdivisions and the development of complete communities;

(e) Liabilities or amenities as affected by traffic elements in the circulation system; and

(f) Economy of both construction and use of land.

(3) *Thoroughfare Plan application.* All proposed subdivisions shall conform to the current Thoroughfare Plan adopted by the Town Council. Whenever any tract to be subdivided embraces any part of the Thoroughfare Plan, that part of the public way shall be platted by the subdivider in the location and of the width recommended by the Thoroughfare Plan.

(4) *Street arrangement.* The arrangement of streets in all subdivisions shall promote the continuation of existing streets, proposed future streets, and streets to be provided as a result of the subdivision construction.

(a) *Continuation of existing and proposed streets.* The arrangement of streets in all subdivisions shall provide for the continuation and projection of existing and proposed streets on immediately adjacent properties and in surrounding areas generally, or conform to a street plan of the general area approved and adopted by the Plan Commission.

(b) *Continuation of subdivision streets.*

1. Right-of-way of proposed streets shall be extended to the boundary lines of the proposed subdivision so that either:

a. At least one connection may be made to each adjacent undeveloped property; or

b. At least one connection may be made for every 1,600 feet of property line shared between the subdivision and adjacent undeveloped property. In cases where these provisions are in conflict, that which provides the most points of connectivity shall apply.

2. The Plan Commission may waive this requirement in cases where the Commission deems that any such extension is not feasible due to topography or other physical conditions, or the extension is not necessary or desirable for the coordination of existing and future streets or not appropriate for the development of adjacent property consistent with the Comprehensive Plan.

3. No subdivision shall be designed so as to create or perpetuate the landlocking of any adjacent undeveloped tract.

(b) *Temporary dead-end streets.* A temporary dead-end street shall be permitted in any case in which a street is designed to be extended to adjacent properties in the future.

1. Any dead-end street which extends more than one lot in length shall be provided with a temporary cul-de-sac or other turn-around consistent with the requirements of the Town Engineer.

2. Any temporary turn-around shall be included in a roadway easement which shall be vacated to the property owners at the time the street is extended or the Town Council, upon recommendation of the Town Engineer and Planning Director, determines that the turn-around is no longer needed.

3. All temporary dead-end streets shall be provided with street signage that indicate the road as being a dead end. The subdivider shall assume all costs of the installation of the signs.

(5) *Traffic separation requirements.* Where a subdivision abuts or contains an existing or proposed arterial or collector street as shown in the Thoroughfare Plan, the Plan Commission may require:

(a) Marginal access streets;

(b) Reverse frontage contained in a non access reservation along the rear property line having a minimum width of five feet;

(c) Lots with rear service ways; or

(d) Any other such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(6) *Service road requirements.* Where a subdivision borders on, or contains an existing or proposed interstate or other limited access highway or arterial road as shown on the Thoroughfare Plan or a railroad right-of-way, the Plan Commission may require a street approximately parallel to, and on each side of the right-of-way, at a distance suitable for the appropriate use of the intervening land (such as for park purposes in residential districts).

(a) Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.

(b) The Plan Commission may require that the intervening land strips be dedicated to the Town of Lowell or to a lot owners association for the subdivision in which it is located. The land strip shall be maintained by the involved government unit or lot owners association from the date of any such dedication.

(7) *Half-streets.* Half-streets shall be prohibited. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract.

(8) *Improvement of existing streets.* Whenever a proposed subdivision borders or includes an existing street, the Commission may require, as a condition of plat approval, the reconstruction or widening of such street, the provision of sidewalks, and any other improvement consistent with the requirements of this subchapter for new streets developed as a part of the subdivision.

(a) Additional dedication of right-of-way shall be required consistent with the adopted Thoroughfare Plan.

(b) Except for situations where a passing blister is required at the entrance to a subdivision, this provision shall not be interpreted as requiring the acquisition and dedication of right-of-way or the completion of improvements extending onto property on the opposite side of a street adjacent to the subdivision, where such property is not included in the street right-of-way and not owned or otherwise controlled by the subdivider.

(9) *Access requirements.* Subdivisions of 20 lots or less shall be limited to one point of access onto any arterial or collector road. For subdivisions of greater than 20 lots, two or more streets, driveways, or points of vehicle access may be approved or required by the Plan Commission if such accesses are determined by the Plan Commission to be required for safe and efficient traffic circulation or the continuation of existing streets, or are otherwise recommended by the Thoroughfare Plan.

(10) *Private streets.* Private streets shall be prohibited.

(a) In no case shall this be interpreted as being in conflict with the shared drive requirements of § 155.192.

(b) When there is a situation of unusual physical conditions or a controlled design environment in evidence, and it can be satisfactorily demonstrated to the Commission that a waiver of the public street requirement, and the provision of a private street, is the only feasible solution, said private street may be permitted and shall be equal in all aspects of construction to like-classified public streets, including pavement section and width.

1. A road way easement shall be provided which equates the right-of way requirements for like classified public streets.

2. Required setbacks from the private street roadway easements shall be equal to those which are required from the rights-of-way of like-classified public streets.

3. Street lights, curbs and gutters, and sidewalks shall be provided for all private streets consistent with the requirements for like-classified public streets.

4. Adequate covenant provisions shall be made for direct responsibility and control by the property owners involved to provide for the perpetual operation, liability, and maintenance of said private streets at no expense to any current or future governing jurisdiction.

(F) *Street geometric standards.*

(1) *General requirements.* The classification of all streets shall be defined by the Thoroughfare Plan. The Plan Commission shall assign a classification, based on the provisions of the Thoroughfare Plan, to all proposed streets at the time of preliminary plat review and approval.

(2) *Street measurement.* Street width shall be measured from back of curb to back of curb.

(3) *Intersection requirements.* Street intersections shall be designed to promote the maintenance of the sight visibility triangle requirements of the Land Use and Development Code and shall be consistent with the following additional requirements;

(a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 80 degrees shall not be acceptable. All streets shall intersect at 90 degrees whenever possible and maintain the 90 degree orientation for a minimum distance of 100 feet in residentially used and/or zoned areas and a distance of 300 feet in non-residentially zoned or used areas.

(b) Not more than two streets shall intersect at any one point, unless specifically required to promote efficient and safe traffic movement or in response to a recommendation of the Thoroughfare Plan.

(c) Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing or proposed intersection on the opposite side of such street. Street jogs with center line offsets of less than 200 feet shall not be permitted.

(d) Local street intersections shall be rounded by radii as described in division (F)(7) below. The stated minimum radii shall be increased as required by the Town Engineer when the angle of street intersection is less than 90 degrees, and/or where necessary to accommodate a school bus or emergency vehicle.

(e) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a 2% grade at a distance of 100 feet in either direction, measured from the center line of the intersecting street.

(f) At the intersection of any proposed local road with any existing street, acceleration and deceleration lanes, and passing or left turn lanes may be required by the Plan Commission and/or Town Engineer.

(4) Reverse curve requirements. A tangent of at least 200 and 150 feet long shall be introduced between reverse curves on arterial and collector roads, respectively. All local roads shall have a tangent at least 100 feet long on reverse curves.

(5) *Sight distance requirements.* A clear sight distance, measure along the centerline of the road, shall be provided for a minimum 400 feet long all roads with speed limits greater than 45 miles/hour (mph), 300 feet long all roads with speed limits between 30 and 45 mph, and 150 feet long all roads with a speed limits of 30 mph or less.

(6) *Vertical grade requirements.* The maximum vertical grade shall not a exceed a maximum of 6% for arterial roads, 8% for collector roads, and 8% for local roads. Such maximum grades shall be reduced by 50% on all roads within 200 feet of an intersection with another street or a railroad.

(7) *Street geometric design requirements.* All streets shall conform to the minimum specifications for design established by the following table based on the classification provided by the Thoroughfare Plan or otherwise assigned by the Plan Commission. All alleys shall have a minimum pavement width of 18 feet and a minimum right-of-way width of 20. All alleys shall be consistent with the construction standards provided in this subchapter for local roads.

STREET DESIGN STANDARDS

| TYPE OF SPECIFICATION | MINOR ARTERIAL STREETS | COLLECTOR STREETS | FRONTAGE STREETS | LOCAL STREETS | CUL-DE-SACS | ALLEYS |
|--|------------------------|-------------------|------------------|---------------|-------------|---------|
| R-O-W WIDTH | 80 ft. | 64 ft. | 60 ft. | 60 ft. | 65 ft.* | 20 ft. |
| PAVING WIDTH | 40 ft. | 30 ft. | 30 ft. | 24 ft. | 48 ft.* | 18 ft. |
| PAVING WIDTH (INCLUDING CURBS AND GUTTERS) | 44 ft. | 34 ft. | 34 ft. | 28 ft. | 50 ft. | |
| MAXIMUM GRADE | 6% | 8% | 8% | 8% | 8% | 8% |
| MINIMUM GRADE | 0.5% | 0.5% | 0.5% | 0.5% | 0.5% | 0.5% |
| MINIMUM VERTICAL SIGHT DISTANCE | 400 ft. | 300 ft. | 300 ft. | 150 ft. | 150 ft. | 100 ft. |
| MINIMUM STOPPING SIGHT DISTANCE | 400 ft. | 300 ft. | 300 ft. | 150 ft. | 150 ft. | 100 ft. |
| MINIMUM RADIUS OF CURVE | 400 ft. | 200 ft. | 200 ft. | 100 ft. | 100 ft. | 100 ft. |
| MINIMUM LENGTHS OF TANGENTS BETWEEN REVERSE CURVES | 200 ft. | 150 ft. | 150 ft. | 100 ft. | 100 ft. | 100 ft. |
| MINIMUM CORNER RADIUS | 30 ft. | 25 ft. | 25 ft. | 25 ft. | - | 25 ft. |

* Radius

(G) *Cul-de-sac standards.*

(1) *General requirements.* Cul-de-sacs may be permitted by the Plan Commission only in locations where either of the following conditions exist:

(a) The construction of a through street is not possible due to the presence of natural barriers; or

(b) The construction of a through street is not possible due to the presence of an adjacent development which provides no opportunities for connecting any through street.

(2) All cul-de-sacs shall meet the following design requirements:

(a) The maximum length of all cul-de-sacs shall be 300 feet, measured along the centerline from its intersection with the centerline of another street to the center of the turn-around right-of-way.

(b) The minimum pavement radius of all cul-de-sacs shall be 50 feet.

(c) The minimum right-of-way radius of all cul-de-sacs shall be 65 feet.

(d) The intersection of the cul-de-sac street segment and cul-de-sac turn around shall be rounded by a radius of at least 100 feet.

(e) A sidewalk five feet in width shall be provided around the entire turn-around of the cul-de-sac. A ten-foot wide tree lawn shall be provided between the back of curb of the cul-de-sac pavement and the sidewalk.

(f) In no case may an arterial or collector road terminate in a cul-de-sac.

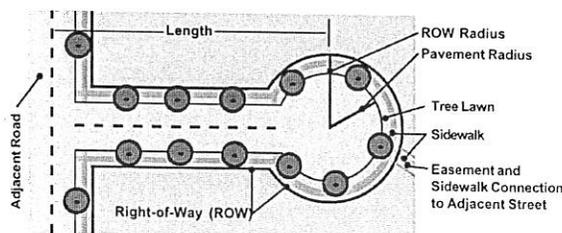
(g) A sidewalk shall be provided between two lots located on the turn-around of the cul-de-sac connecting the sidewalks adjacent to the turn-around with those on adjacent streets and/or within adjacent developments.

1. The sidewalk shall be a minimum of five feet in width and shall be located in an access easement which is a minimum of ten feet in width.

2. The sidewalk shall be constructed consistent with the sidewalks construction standards provided in § 155.196.

3. An association of lot owners in the subdivision shall be responsible for the maintenance of the sidewalk and easement.

(3) Cul-de-sacs shall be distinguished from the shared drives required for administrative subdivisions in § 155.192. Shared private drives shall be permitted serving a maximum of four lots, which are not part of a larger subdivision.



(H) *Curb and gutter standards.*

(1) *General requirements.* Poured concrete two foot curbs and gutters shall be provided on all roads. Curbs shall be installed on each side of the street surface and are to be considered as part of the width of the street.

(2) *Gutter grade requirements.* The minimum grade of any street gutter shall not be less than 0.5%.

(I) *Sidewalk standards.*

(1) *General requirements.* Sidewalks shall be provided on all roads and shall meet the following design standards.

(a) Sidewalks shall be provided on both sides of the road, including completely encircling the turnaround of any cul-de-sac.

(b) Sidewalks shall measure a minimum of five feet in width along all roads in residential, commercial, industrial, and mixed use areas or as directed by the Plan Commission.

(c) Sidewalks shall be separated from the back of curb of the adjacent road by a planting strip which is a minimum of ten feet in width along arterial, collector, and local roads. Generally, the back of the sidewalk shall not be located less than one foot inside of the right-of-way line for the adjacent road.

(d) Smooth transitions (slow tapers) are required if a sidewalk is to be transitioned from one width to another.

(e) The surface of any sidewalk when completed shall have a sufficient slope to drain toward the center of the street.

(2) Asphalt pedestrian paths, rather than concrete sidewalks are permitted when they are a part of a trail system linking common open spaces, public spaces, or natural features. All asphalt paths must be a minimum of eight feet wide and meet the thickness and base requirements of the Town Engineer.

(3) When sidewalks or pathways cross roads within or adjacent to the subdivision, safety devices such as painted crosswalks, alternative pavement types, signs, or traffic signals shall be installed.

(4) Easements of at least ten feet in width shall be provided for sidewalks or pedestrian paths which are not completely included in public right-of-way adjacent to a road. Pedestrian paths and sidewalks which link common areas, public sites, or natural features as part of the subdivision's open space design shall be included in the subdivision's common area, and may not be located within an easement on private property.

(J) *Street lighting standards.*

(1) Street lights shall be provided by the subdivider at all intersections of roads within an adjacent to the subdivision and where necessary to provide continuous lighting on all subdivision streets.

(2) The specific locations of the street lighting shall be determined by the Plan Commission, the Town Engineer, and the Town Council, based on the lighting options made available by the appropriate local electric company.

(3) Street lights shall be located in the right of way, adjacent to the road. The light fixtures shall be located in the planting strip which separates the road pavement from the sidewalk.

(4) All costs related to the installation of the street lighting shall be the responsibility of the subdivider. All costs relating to the use and maintenance of the street lights shall be the responsibility of the lot owner's in the subdivision.

(K) *Subdivision and street name standards.*

(1) The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the town covered by these regulations. The Plan Commission shall have final authority to approve the name of the subdivision which shall be determined at the time of the preliminary plat approval.

(2) Street names shall not duplicate any existing name within the town except where a new street is a continuation of an existing street.

(a) Streets which are designed and/or shall function as the extension of an existing street shall be named consistent with the existing street.

(b) The term *COURT* shall be reserved for cul-de-sac streets. The terms *PLACE* and *CIRCLE* shall be reserved for circular streets which intersect with another street at two locations and cannot be divided into more than one street.

(c) Street names that may be spelled different but sound the same as existing streets shall not be used.

(d) All street names and addresses are subject to review and approval by the Plan Commission for consistency with the local 911 emergency phone system.

(e) The Town Council shall have final authority to name all streets at the time of acceptance of public improvements.

(L) *Easement standards.*

(1) *General requirements.* Adequate areas of suitable size and location shall be provided as utility easements for the conveyance of utility systems to, and within the subdivision. Generally, easements shall be provided in the following manner:

(a) Easements shall be as set forth in the most current edition of the Lowell Town Standards adopted by the Lowell Town Council.

(M) *Public sites and open space standards.*

(1) *General requirements.* In all subdivisions that include 20 or more acres, the subdivider shall be required to plat a minimum of 500 square feet of open space for each dwelling unit. The minimum amount of open space provided shall be one acre. For the purposes of this calculation, a dwelling unit shall be defined as a single-family home, condominium, or apartment/rental unit. As an alternative to providing open space, the equivalent monetary value can be donated to the Town of Lowell Park Department for use in existing parks.

(a) Easements, crosswalks, and road frontage to provide public access to the common open space shall be shown on all required subdivision plat drawings.

(b) Easements, roadways, and rights-of-way cannot be considered open space.

(c) All open space shall be usable spaces for normal recreation.

(2) *Design requirements.* The required open space shall meet the following requirements:

(a) Open space shall be concentrated at a minimum number of sites within each development to provide the maximum amount of usable space.

(b) Common open areas may not include floodplains, detention ponds or other portions of the development which are undevelopable. Common open spaces should be located adjacent to such natural features when they are present in, or adjacent to, the development.

(c) Existing natural features which add value to residential development and enhance the attractiveness of the community shall be preserved in the design of the subdivision and should be incorporated into designated open space.

(d) Common open spaces within each development shall be linked with each other and with existing and future open spaces in adjacent developments through the required sidewalk system or through the use of pedestrian paths.

1. All common open spaces shall have at least ten feet of frontage on a public street which includes sidewalks, and be linked to that sidewalk system by either a sidewalk or pedestrian path.

2. All required common open spaces shall be owned and maintained by the leasing company for tenant-occupied developments and a lot owners association for developments with individually owned dwelling units. In no case may an access easement be substituted for a required common open space.

(e) Common areas being a minimum of ten feet wide, and including a minimum five-foot wide concrete sidewalk or eight-foot wide asphalt trail, shall be provided permitting access from natural site features such as floodplains, detention ponds, and historic sites to public streets with sidewalks.

(f) Access easements shall be provided for any private sidewalks providing access to the common open space for persons outside the development.

(g) All common open spaces shall be maintained for the enjoyment of the residents of the development and shall be free of weeds and other noxious vegetation.

(3) *Ownership requirements.* The subdivider shall reserve the open space acreage for common use of residents and visitors to the subdivision. The land shall be deeded by the subdivider to a duly organized lot owners association within the subdivision.

(N) *Street tree standards.*

(1) *General requirements.* All subdivisions shall be required to provide street trees along all streets within and adjacent to the subdivision.

(a) Street trees shall be planted either in the right-of-way, or within five feet of the right-of-way on adjacent property included in a street tree easement.

(b) Street trees shall be provided in the right-of-way unless, in the opinion of the Planning Director, that location would present a hazard for underground or overhead utilities or public safety.

(c) Existing trees on property located in the right-of-way of a public street may be considered as meeting the street tree requirement if such trees are in good health and are protected during the construction process.

1. The Plan Commission shall determine whether or not existing trees may be used to satisfy the street tree requirement at the time of preliminary plat review.

2. The Planning Director may require the provision of maintenance bonds consistent with § 155.192 for any existing trees preserved for use as street trees.

(2) *Planting requirements.* One street tree shall be planted for every 40 feet of street frontage. Trees may be evenly spaced or grouped together. Street trees shall also meet the following requirements:

(a) All street trees shall be a minimum of two and one-half inch caliper as measured consistent with the American Nursery Standards Institute (ANSI), six inches from the top of the root ball, at the time of planting.

(b) No tree may be planted so that its center is closer than two feet to a sidewalk or curb, or edge of pavement if no curbs are present.

(c) No tree shall be planted within 25 feet of the intersection of two street right-of-ways, within ten feet of the intersection of a street and an entrance driveway, or within the sight visibility triangle established by § 155.083.

(d) No tree shall be planted within ten feet of any fire hydrant or two lateral feet of any underground utility service.

(e) Street trees shall be of one or more of the species described in the following table of approved street trees.

| <i>APPROVED STREET TREES</i> | | |
|---|---------------------------|--|
| <i>COMMON NAME</i> | <i>SCIENTIFIC NAME</i> | |
| Hornbeam | | |
| | American Hornbeam | Carpinus Caroliniana |
| | Upright European Hornbeam | Carpinus Betulas "Fastigiata" |
| American Elm (Dutch Elm disease resistant cultivars only) | | |
| | Accolade Elm | Ulmus Japnica x Wilsoniana "Morton" |
| | Homestead Elm | Ulmus "Homestead" (complex hybrid) |
| | Frontier Elm | Ulmus Carpinifolia x Parvifolia "Frontier" |
| Ginko | | |
| | Autumn Gold | Ginko Biloba "Autumn Gold" |
| | Fairmount Ginko | Ginko Biloba "Fairmount" |
| | Sentry Ginko | Ginko Biloba "Sentry" |
| | Upright Ginko | Ginko Biloba "Upright" |
| Honeylocust | | |
| | Majestic Honeylocust | Gleditzia Triacanthos Inermis "Majestic" |
| | Moraine Honeylocust | Gleditzia Triacanthos Inermis "Moriane" |

| | | |
|-------------|---------------------------|--|
| | Shedmaster Honeylocust | Gleditzia Triacanthos Inermis "Shedmaster" |
| | Skyline Honeylocust | Gleditzia Triacanthos Inermis "Skyline" |
| | Sunburst Honeylocust | Gleditzia Triacanthos Inermis "Sunburst" |
| Linden | | |
| | Greenspire Linden | Tilla Cordata "Greenspire" |
| | Chancelior Linden | Tilla Cordata "Chancelior" |
| | Swedish Upright Linden | Tilla Cordata "Swedish Upright" |
| | Silver Linden | Tilla Cordata "Silver" |
| | Basswood | Tilla Americana |
| Maple | | |
| | Legacy Sugar Maple | Acer Sacchrum "Legacy" |
| | Armstrong Red Maple | Acer Rubrum "Autumn Flame" |
| | Red Sunset Red Maple | Acer Rubrum "Red Sunset" |
| | Tilford Red Maple | Acer Rubrum "Tilford" |
| | Cleveland Norway Maple | Acer Plantanoides "Cleveland" |
| | Columbus Norway Maple | Acer Plantanoides "Columnar" |
| | Crimson King Norway Maple | Acer Plantanoides "Crimson King" |
| | Royal Red Norway Maple | Acer Plantanoides "Royal Red" |
| | Summershade Norway Maple | Acer Plantanoides "Summershade" |
| Oak | | |
| | Basket Oak | |
| | Shingle Oak | |
| | Red Oak | |
| | Willow Oak | |
| | Bur Oak | |
| | Chinkapin Oak | |
| River Birch | | |
| | Betula Nigra | |

(O) *Sanitary sewer standards.*

(1) *General requirements.* Lots shall be served by sanitary sewers. The appropriate sanitary sewer system shall be designed and installed by the subdivider and dedicated to the Town of Lowell.

(a) The system shall be provided with all necessary supplemental equipment or machinery (including, but not limited to, lift stations) and be in such lengths, sizes, dimensions and specifications as shall be required by the sanitary sewer service provider.

(b) Sanitary sewers shall be designed and constructed in accordance with the current edition of the Lowell Town Standards adopted by the Lowell Town Council.

(P) *Water supply standards.*

(1) *General requirements.* Lots in all subdivisions shall be served by a public water supplier. The appropriate public water supply system shall be designed and installed by the subdivider and dedicated to the Town of Lowell.

(a) The water system shall include all necessary supplemental equipment and machinery including but not limited to all pipes, fire hydrants, and valves.

(b) Water infrastructure shall be designed and constructed in accordance with the current edition of the Lowell Town Standards adopted by the Lowell Town Council

(Q) *Private utility standards.*

(1) *General requirements.* All utility transmission lines providing service to the subdivision, including electrical power, gas, telephone, cable television, data transmission, sewer, and water shall be located underground throughout the subdivision. The location of utility lines shall be shown on the preliminary plat and on the construction plans.

(2) *Design requirements.* Service lines for electrical power, natural gas, telephone, cable television, and data transmission utilities shall generally be located in easements in locations specified in the current edition of the Lowell Town Standards adopted by the Lowell Town Council.

(R) *Environmental standards.*

(1) *General requirements.* The following measures to minimize erosion and sedimentation shall be included where applicable in the overall development plan.

(a) Existing features which would add value to residential, commercial, natural, or man-made assets such as trees or other vegetation, streams, vistas, historically significant items, and similarly irreplaceable assets shall be preserved through careful and harmonious design.

(b) Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.

(c) The disturbed area and the duration of exposure shall be kept to a practical minimum.

(d) Temporary vegetation and mulching shall be used to protect environmentally sensitive areas during development.

(e) The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

(f) Development plans shall keep cut/fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

(g) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded.

(h) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

(2) *Maintenance requirements.* Design and construction of the erosion control system shall be such that it will be durable and easy to maintain, meeting the requirements of the Town Engineer all erosion control methods shall be consistent with the erosion control standards provided by § 155.196.

(S) *General drainage standards.* Stormwater infrastructure shall be designed and constructed in accordance with the current edition of the Lowell Town Standards adopted by the Lowell Town Council.

(T) *Covenant standards.*

(1) *General requirements.* The following paragraphs shall be required to be present as restrictive covenants for all final plats to which the Planning Director determines that they apply:

(a) No fence, wall, hedge, tree or shrub which obstructs sight lines between three and eight feet above the grade of the adjacent road shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points along the street rights-of-way located:

1. Thirty-five feet from their intersection for road classified as arterial by the Thoroughfare Plan;
2. Thirty feet for roads classified as collectors by the Thoroughfare Plan;
3. Fifteen feet for roads classified as local by the thoroughfare plan; and
4. Ten feet for all private driveways.

(b) No permanent structure shall be placed within a utility easement, with the exception that the property owner may construct a fence within the easement at his/her own risk. Such fences may be removed or accessed as necessary by any affected easement holder or utility without cost to that holder or utility.

(c) No driveway shall be located within forty (40) feet of the intersection of two street right-of-way lines.

(2) *Drainage covenant.* Each subdivision submitted for approval shall include on the final plat a covenant which states that: This subdivision is subject to all drainage system design and construction standards of this subchapter, which provides for the repair and maintenance of the system, including the assessment of owners of lots to maintain swales and participate in the cost of the maintenance of legal drains. All drainage easements shall run to the County Drainage Board.

(U) *Flood hazard area standards.* Development in flood hazard areas shall be in accordance with Title 15, Land Usage, Chapter 151, Flood Hazard Areas, of the Lowell Code of Ordinances.

6. § 155.196 is hereby deleted in its entirety and replaced with the following:

§ 155.196 CONSTRUCTION STANDARDS.

(A) *Purpose and use.* The following divisions of this section state the construction standards for all major subdivisions. Each division is broken down into specific categories. These categories include:

- (1) Storm water and drainage standards - division (C);
- (2) Erosion control standards - division (D);
- (3) Street standards - division (E);
- (4) Curb and gutter standards - division (F);
- (5) Street light standards - division (G);
- (6) Street sign standards - division (H);
- (7) Sidewalk standards - division (I);
- (8) Monument and marker standards - division (J).

(B) *Additional construction standards that apply.*

This section represents general and basic construction standards for the public improvements to be included in major subdivisions of the town. The Plan Commission and Town Council, through the Planning Director, Town Engineer, or other elected or appointed official or board may supplement and clarify the provisions of this section by the formulation and issuance of detailed

requirements, either in manual form or by reference to accepted technical standards which shall be deemed incorporated by reference into this section.

(C) *Storm water and drainage standards.*

(1) *General requirements.* A storm water sewer or a surface drainage system adequate to serve the subdivision and potential subdivisions in the drainage area of which the subdivision is a part shall be provided by the subdivider. Drainage systems shall be designed and constructed in accordance with the current edition of the Lowell Town Standards adopted by the Lowell Town Council.

(2) *Excavation and fills.* Excavations and fills shall meet the following requirements:

(a) Fills shall not impede flows of natural watercourses or constructed channels.

(b) Grading shall not be done in such a way so as to divert water onto the property of another land owner without the expressed consent of the land owner.

(c) During grading operations, necessary measures for dust control shall be exercised.

(d) Grading equipment shall not be allowed to cross streams. Provisions shall be made for the installation of temporary or permanent culverts or bridges.

(D) *Erosion control standards.*

(1) *General requirements.* Erosion, and sediment control shall conform with the requirements of the Natural Resource Conservation Service (NRCS) and other provisions of this subchapter, other requirements adopted by the town, or other requirements of the Town Engineer.

(2) *Erosion control plan requirements.* No changes shall be made in the contour of the land, nor shall grading, or excavating begin until a plan for minimizing erosion and sedimentation has been reviewed and approved by the Town Engineer.

(a) The erosion control plan shall be submitted as an element of the subdivision construction plans.

(b) If NRCS review and approval is required, a copy of said approval shall be provided by the subdivider to the Planning Director for the records of the Plan Commission and to the Town Engineer

(3) *Sedimentation control.* Whenever sedimentation is caused by stripping of vegetation, regrading, or other development activities, it shall be the responsibility of the applicant, person, corporation, or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems, and watercourses, and to repair any damage at his/her expense.

(a) The Town Engineer and/or Planning Director may require the subdivider to remedy any sedimentation that they identify.

(b) Failure by the subdivider to control sedimentation may be used by the Technical Review Committee or Plan Commission as grounds to deny a final plat, by the Town Board as grounds to refuse the acceptance of public improvements, or by the Planning Director as grounds to withhold the issuance of improvement location permits for structures on lots in the affected subdivision.

(c) The cleanup of all erosion control barriers and the results of any erosion control failure shall be covered by the erosion control bond provided consistent with § 155.195.

(4) *Watercourse requirements.* No applicant, person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the County Drainage Board and/or the Indiana Department of Natural Resources, Division of Water, whichever is applicable.

(a) It is the responsibility of the applicant and any person, corporation, or other entity doing any action on or across a communal stream, watercourse, or swale, or upon the floodplain or floodway area of any watercourse during the period of development, to return these areas to their original or equal conditions upon completion of said activities.

(b) It is the responsibility of the applicant or owner to keep all major watercourses, not under the jurisdiction of any public agency, open and free flowing.

(c) The applicant or owner will assume the responsibility for maintaining in open and free flowing condition in all minor streams, watercourses, and drainage systems, constructed or otherwise improved in accordance with this section, which are necessary for proper drainage.

(E) *Street standards.* Streets shall be designed and constructed in accordance with the current edition of the Lowell Town Standards adopted by the Lowell Town Council.

(G) *Street light standards.* Street lights shall be designed and constructed in accordance with the current edition of the Lowell Town Standards adopted by the Lowell Town Council.

(H) *Street sign standards.* Street signs shall be designed and constructed in accordance with the current edition of the Lowell Town Standards adopted by the Lowell Town Council.

(I) *Sidewalk standards.* Sidewalks and ramps shall be designed and constructed in accordance with the current edition of the Lowell Town Standards adopted by the Lowell Town Council.

(J) *Monuments and marker standards.*

(1) Monuments and markers shall be placed so that the center of the bar, or marked point, shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.

(2) Permanent concrete markers 30 inches deep with five-eighths-inch rebar shall be installed at the perimeter (outside boundary) of the overall subdivision.

(3) Markers consisting of five-eighths-inch rebar eight inches long shall be set in concrete as street control at the following locations:

(a) The intersection of all street center lines in the subdivision;

(b) The beginning and ending of all curves in street right-of-way lines and centerline of streets at the beginning and ending of all curves and street intersections.

(4) Markers consisting of rebar at least 30 inches long and not less than five-eighths-inch in diameter, shall be placed at the following locations:

(a) All angles formed by the intersection of lot lines;

(b) All other lot corners not established by a monument; and

(c) All points required to delineate the location or extent of reservations, easements, or dedications not otherwise defined;

(d) Centerline of right-of-ways.

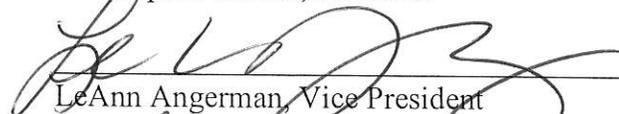
(5) Markers shall be set at locations in accordance with 865 IAC 1-12-18, Minimum Standards for Competent Practice of Land Surveyors.

DULY ORDAINED and APPROVED by the Town Council of the Town of Lowell, Lake County, Indiana, this 14th day of September, 2015 by a vote of 5 in favor and 0 opposed.

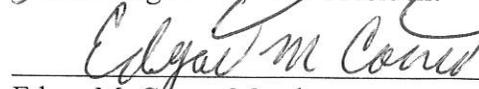
TOWN OF LOWELL, LAKE COUNTY, INDIANA
BY ITS TOWN COUNCIL:



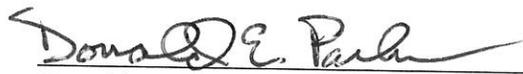
Christopher Salatas, President



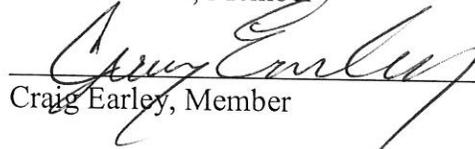
LeAnn Angerman, Vice President



Edgar M. Corns, Member



Donald Parker, Member



Craig Earley, Member

Attest:


Judith Walters, Clerk-Treasurer

Approved by the Executive this 14th day of September, 2015.


Christopher Salatas, President

Attest:


Judith Walters, Clerk-Treasurer