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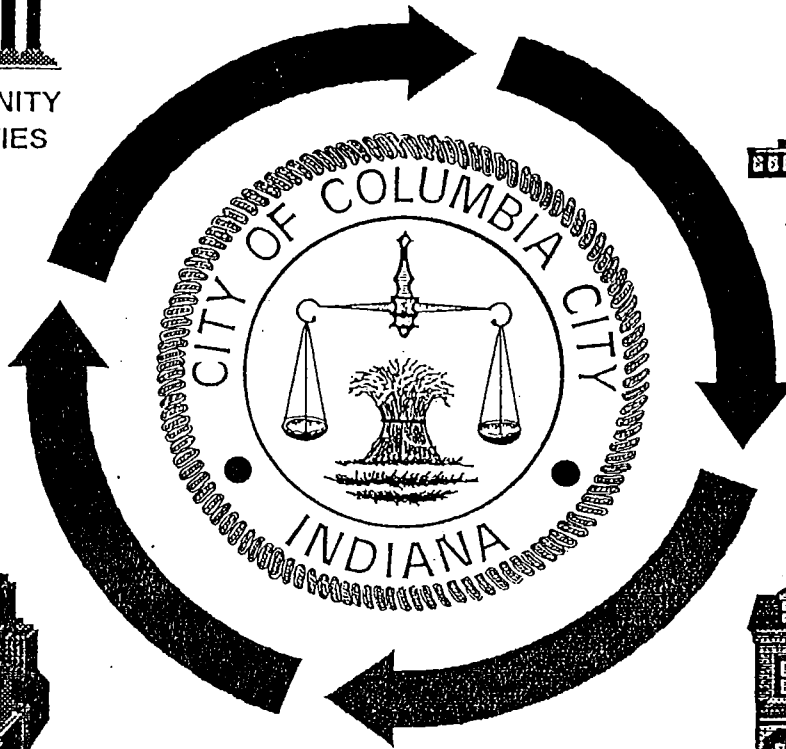
INDUSTRIAL



COMMERCIAL



RESIDENTIAL



COLUMBIA CITY

SUBDIVISION

ORDINANCE

**THE SUBDIVISION ORDINANCE
FOR
THE CITY OF COLUMBIA CITY, INDIANA**

Adopted: March 27, 2001, Ord. #2001-4

Revision: March 12, 2002, Ord. #2002-3

Revision: May 25, 2010, Ord. #2010-13

Revision: November 10, 2020, Ord. #2020-31

Columbia City/Whitley County Joint
Planning and Building Department

Executive Director:	David M. Sewell
Assistant Director:	Cathy Gardner
Office Manager:	Deanna Pepler
Secretary:	Cheryl Hoffman
Building Inspector:	Craig Wagner

Plan Commission Attorney:	Earl Tison
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Columbia City Plan Commission Members:	Dennis Warnick Mike Lemon Larry Weiss Doug Graft Don Langeloh Kim Varga Robert Phillips Jeff Walker John Fulk
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*The Plan Commission members wish to acknowledge Mr. Clifton Archer, former member of the Columbia City Plan Commission, for the many hours of research and his hard work and effort given towards the completion and adoption of the Columbia City Subdivision Ordinance.

Columbia City Administration

Mayor:	Ronald Glassley
City Council Members:	Don Langeloh Robert Phillips Walter Crowder Timothy Longenbaugh Douglas Fahl
City Clerk-Treasurer:	Rosie Coyle
City Attorney:	Marcia McNagny
Board of Zoning Appeals Members:	Steve Baker Dennis Warnick Mike Lemon Kim Stanley Pat Smith
Zoning Ordinance Subcommittee:	Clif Archer Don Langeloh Kim Varga Dennis Warnick Larry Weiss

Columbia City/Whitley County Joint
Planning and Building Department
101 West Market Street, Suite B
Columbia City, IN 46725

**THE SUBDIVISION ORDINANCE
OF
THE CITY OF COLUMBIA CITY,
INDIANA**

ORDINANCE No. 2001-4

AN ORDINANCE ESTABLISHING SUBDIVISION REGULATIONS FOR COLUMBIA CITY, INDIANA AND PROVIDING FOR THE ADMINISTRATION, AND ENFORCEMENT, THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF INDIANA CODE 36-7-4-700 SERIES AND INDIANA CODE 36-7-4-1000 SERIES, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, Indiana Code 36-7-4-700 Series empowers the City to enact a Subdivision Ordinance containing provisions for approval of subdivision plats and replats, and

WHEREAS, the Columbia City Plan Commission, and the City Council, of Columbia City, Indiana, deem it necessary for the purpose of promoting the health, safety, convenience, and general welfare of the community to enact such an ordinance, and

WHEREAS, the Columbia City Plan Commission has prepared regulations in accordance with an adopted comprehensive plan designed to lessen congestion in public streets; to secure safety from fire, flood, and other dangers; to promote health, safety, comfort, morals, convenience, and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements, and

WHEREAS, the Columbia City Plan Commission has given reasonable consideration, among other things, to the present character of the districts and their peculiar suitability for development, with a view to conserving the value of buildings and lands and providing regulations and standards for the appropriate division of land throughout the city, and

WHEREAS, the Columbia City Plan Commission has made studies and held public hearings thereon, pursuant to law, and submitted its final report to the city, and

WHEREAS, the Columbia City Plan Commission has given due public notices of hearings relating to the proposed subdivision regulations, and restrictions, and has held such public hearings, and upon the conclusion of such hearings voted 6-0 to recommend approval of the proposed Subdivision Ordinance to the City Council, and

WHEREAS, all requirements of Indiana Code 36-7-4-600 Series with regard to the preparation of the ordinance by the Columbia City Plan Commission and the subsequent action necessary to enact this ordinance by the city have been met.

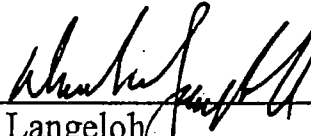
NOW, THEREFORE, BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBIA CITY, INDIANA AS FOLLOWS:

Section 1. There is incorporated as if fully set forth herein, the text of the proposed Columbia City Subdivision Ordinance as submitted by the Columbia City Plan Commission, a copy of which is attached hereto.


Section 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect after its adoption and after publication of Notice of Adoption, as required by I.C. 36-7-4-610.

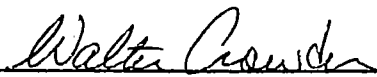
PASSED AND ADOPTED BY THE COMMON COUNCIL OF
THE CITY OF COLUMBIA CITY, INDIANA, ON
THIS 27 DAY OF March, 2001.



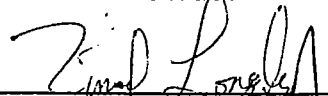
Don Langeloh



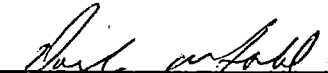
Robert Phillips



Walter Crowder



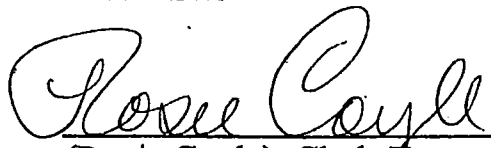
Timothy Longenbaugh



Douglas Fahl


MEMBERS OF THE COMMON
COUNCIL OF THE CITY OF
COLUMBIA CITY, INDIANA

ATTEST:



(Rosie Coyle), Clerk-Treasurer

Signed and approved by me upon this 27 day of March, 2001.



(Ronald Glassley), Mayor of the
City of Columbia City, Indiana

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SUBDIVISION ORDINANCE

36-7-4-700

CHAPTER 1 - GENERAL PROVISIONS

1.01 Title: These regulations shall hereafter be known and cited as "The Columbia City, Whitley County, Indiana, Subdivision Ordinance."

1.02 Policy.

- A.** It is hereby declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the official Comprehensive Plan and related (such as those embodied in the City Zoning Ordinance) policies for the orderly and efficient development of the City.
- B.** Land to be subdivided shall be of such a character that it can be developed without peril to health or peril from flood, fire, or other menace, and land shall not be subdivided until having access to available existing public facilities and until improvements and proper provision have been made for drainage, water, sewerage, other necessary new public improvements such as schools, parks, recreational facilities, and transportation facilities adequate for serving the subdivision. Private wells and septic systems in lieu of public water and sewer facilities are allowable where permitted under the City Zoning Ordinance and approved by the County Health Department.
- C.** Both existing and proposed public facilities serving the subdivision shall be properly related and conform to the official City Comprehensive Land Use Plan, related policies and implementation programs including the Zoning Ordinance and Map, the Thoroughfare Plan and Housing and Building Codes.

1.03 Purposes of These Regulations.

- A.** To protect and provide for the public health, safety, and general welfare of the City/County.

- B.** To guide the future development and renewal of the City in accordance with the Comprehensive Plan and related policies.
- C.** To provide for the safety, comfort, and soundness of the built environment and related open spaces.
- D.** To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.
- E.** To guide public and private policy and action to provide adequate and efficient public and private facilities, the most aesthetically pleasing and beneficial interrelationship between land uses, conserve natural resources such as natural beauty, woodlands, open spaces, and energy both during and after development.

1.04 Authority and Jurisdiction.

- A.** This ordinance is enacted pursuant to Indiana home rule and planning enabling legislation (Indiana Code, titles 36-1-3-4 and the 36-7-4-700 series, as amended) authorizes the City Plan Commission to review and approve or disapprove plats for subdivision throughout the City and its jurisdictional areas, which show lots, blocks, or sites with or without new streets and highways. This authority extends to the development or resubdivision of undeveloped portions of already recorded plats.
- B.** No Building Permit or Certificate of Occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein with construction standards adopted by the City.
- C.** No plat or replat of land located within the jurisdiction of the Commission shall be filed with the County Auditor and recorded by the County Recorder unless it has first been granted secondary approval by the City Plan Commission, and such approval shall have been signed and certified on the plat by the President or Vice President and Secretary of the Commission.

1.05 Enactment. In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted.

1.06 Interpretation, Conflict, and Separability.

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

B. Conflict with Public and Private Provisions.

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

2. **Private Provisions.** These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement restriction impose duties or obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Commission in approving a subdivision or enforcing these regulations, such private provisions shall be operative and supplemental to these regulations and determinations made thereunder. [Note: Private provisions can only be enforced privately unless a public agency has been made party to such agreements.]

C. Separability, Validity. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation

to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The City hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

1.07 Saving Provision.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City/County under any section or provision existing at the time of adoption of these regulations, or as vacation or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City/County except as shall be expressly provided for in these regulations.

1.08 Repealer.

Upon the adoption of this Ordinance according to law, the Subdivision Ordinance of City, adopted 9/25/56, as amended is hereby repealed, except for such sections expressly retained herein.

1.09 Amendments.

For the purposes of providing for the public health, safety, and general welfare, the City, on recommendation of the Commission, may from time to time amend the provisions imposed by these subdivision regulations. Public hearings on all proposed amendments shall be held by the Commission and/or the City in the manner prescribed by law. (Ref. I.C. 36-7-4)

1.10 Conditions.

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to the City. The developer has the duty of compliance with reasonable conditions laid down by the Commission for

design, dedication, improvement, and restrictive use of the land in order to conform to the physical and economical development of the City/County, and to the safety and general welfare of the future plot owners in the subdivision and of the City/County at large.

1.11 Resubdivision of Land.

- A. Procedure for Resubdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or that creates a new building site, it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Commission by the same procedure rules, and regulations as for a subdivision. See also Section 4.14 (H) Lot Splits.

- B. Procedure for Subdivisions where Future Resubdivision is Indicated. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller building sites, the Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future openings and extensions of such streets may be made a requirement of the plat.

1.12 Vacation of Plats.

Any recorded plat or part of any recorded plat may be vacated only in accordance with I.C. 36-7-3 as amended in 1982, 1983, 1986, and subsequently.

1.13 Variances.

- A. General. Where the Commission finds that extraordinary hardships, or practical difficulties may result from strict compliance with these regulations, and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done the public interest secured, provided that such variances shall not have the effect of nullifying the intent and

purpose of these regulations; and further provided the Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

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

B. Conditions. In approving variances, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

C. Procedures. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

1.14 Enforcement, Violations, and Penalties.

A. General (Ref. 36-7-1000; 1000 Series-Remedies and Enforcement.

1. It shall be the duty of the Administrator to enforce these regulations and to bring any violations or lack of compliance to the attention of the Commission Attorney.

2. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Commission, in accordance with the provisions of these regulations, and filed with the County Recorder.
3. The division of any lot or any parcel of land into a subdivision, as defined in this Ordinance, by the use of metes and bounds description for the purpose of sale, or transfer, or lease resulting in the creation of one or more new building sites shall be considered to be subject to all of the appropriate requirements of this Ordinance.
4. No Improvement Location Permit or Building Permit required under the Uniform Building Code, the Zoning Ordinance, or this Ordinance, shall be issued on any property subject to this Ordinance until the provisions of this Ordinance have been complied with.
5. Any structure erected, raised, or converted, or land or premises used, in violation of this Chapter of the Code, is a common nuisance and the owner or possessor of the structure, land or premises is liable for maintaining a common nuisance.

B. Violations and Penalties. Any person who violates a provision of this Ordinance or any regulations herein contained, shall be subject to a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) for each day's violation. (Reference I.C. 36-1-3-B)

C. Restraining Provisions.

1. Any land within the participating jurisdictions subdivided in violation of the terms of this Ordinance after the effective date hereof, is hereby declared to be a common nuisance, which may be restrained, enjoined or abated in any appropriate action or proceeding.
2. The Commission may institute an injunction suit requesting

an individual or governmental unit be directed to remove a structure erected in violation of this Ordinance, or to make the same comply with its terms. If the Commission is successful in its suit, the respondent shall bear the costs of the action.

3. The Commission may institute a suit for mandatory injunction, requesting an individual or governmental unit be directed, where such individual or governmental unit has violated any provisions of this Ordinance, to comply with the provisions of this Ordinance. If the Commission is successful in its suit, the respondent shall pay the Commission's reasonable attorney fees and all costs related to the enforcement of this Ordinance.

Page 8 concludes Chapter 1

CHAPTER 2

STANDARDS FOR SURVEYS AND PLATS

- 2.01** **General.** All surveys shall be conducted and plats prepared in accordance with the Indiana Survey Standards adopted by the Indiana Society of Professional Land Surveyors and any amendments thereto. In the event of any difference between the Indiana Survey Standards and this Chapter, the stricter requirements shall apply.
- 2.02** **Drafting.** All plats submitted for approval shall be prepared by or under the supervision of a professional land surveyor licensed in compliance with the laws of the State of Indiana. All drawings shall be neat, legible, reproducible, reducible, and drawn on a permanent material.
- A.** **Material.** All plats of major and minor subdivision shall be drawn on Mylar or equivalent material at least 2 mils in thickness.
- B.** **Lettering, Symbols, & Drafting.** Lettering identifying surveying points or labeling items displayed graphically shall be done using a Leroy or equivalent lettering system, or freehand using plastic lead (EL to E5). Lettering shall be no smaller than can be legible when the drawing is reduced 65 percent. Symbols shall be drawn using appropriate templates. Certificates and notations shall be typewritten or drawn using Leroy or equivalent lettering system. Drafting may be done with pen and ink or plastic lead as specified above.

C. **Legend.** All plats shall contain a legend, using, but not limited to the symbols shown in Figure 2-1.

- 5/8 INCH X 30 INCH REBAR SET
- 5/8 INCH REBAR FOUND
- △ SECTION CORNER MONUMENT SET
- ▲ SECTION CORNER FOUND
- OTHER TYPES OF MONUMENTS SET
- OTHER TYPES OF MONUMENTS FOUND
- ┌ 5/8 INCH X 30 INCH REBAR SET AT ALL OTHER
└ PROPERTY CORNERS
- STATE HIGHWAY R/W MONUMENT FOUND

Note: All monuments shall be described in a legend or on the plat near the monument. Additional symbols may be required.

FIGURE 2-1 LEGEND REQUIREMENTS

- D. **Size.** Plats shall be drawn on sheets no larger than 24 inches by 36 inches, and no smaller than 12 inches by 18 inches. Plats may consist of more than one sheet, but each sheet shall be labeled with the name of the subdivision and numbered. In addition, the petition number must also be included.
- E. **Copies.** Copies of drawings required to be submitted under the terms of this Chapter shall be blueline or blackline prints and shall be legible.
- F. **Layout.** Layout of the sheet should be as described herein, except when the configuration of the property prohibits such layout.
- G. **Contents.** Each plat shall contain as a minimum the following:
1. Name of subdivision.
 2. North arrow.
 3. Bar Scale.
 4. Title block containing the name and address of the land surveyor or surveying firm which prepared the plat.

5. Names of roads and adjoining subdivisions with lot designations and title of the plat including plat book and page number.
6. Location map, location by Section, Township, and Range, or by other Legal Description.
7. If the boundary of the plat is represented by a U.S. Public Survey Section Line, two section corners shall be shown for each section line with bearings and distances to each section corner. Boundary of plat shall be based on accurate traverse with angular and lineal dimensions for secondary (final) approval of plat.
8. If the property involved in the subdivision is located on an existing City/County road and right-of-way is to be dedicated to the City/County by the plat, an area summary in acres or square feet of each lot and right-of-way area, is to be provided. (See examples below.)

Lot 1	14,780 sq. ft.	Lot 1	.339 acres
Lot 2	10,020 sq. ft.	or Lot 2	.229 acres
Lot 3	7,632 sq. ft.	Lot 3	.175 acres
R/W $\frac{240 \text{ sq. ft.}}{32,672 \text{ sq. ft.}}$			
		R/W	$\frac{.006 \text{ acres}}{.749 \text{ acres}}$

9. Accurate direction and length in feet and hundredths of feet of each line. Geometrically curved lines shall be identified with sufficient curve data to define the curve. (Curve data include delta angle, radius, chord distance, chord bearing, arc length, tangent length.)

Lines required to be shown include but are not limited to the following:

- a. Plat boundary (heavy solid line).

- b. Right-of-way lines of streets and alleys (solid line). For secondary (final) approval exact location, width, and names of all streets within and adjoining the plat, and exact location and width of all alleys shall be shown.
 - c. Easements (dashed line).
 - d. Lot lines (solid line).
 - e. Lines indicating easements or lot lines to be vacated by the plat (dashed or dotted line).
10. A description of all monuments including a notation as to whether found or set.
 11. Accurate distances and bearings from an established monument or property corner to the subdivision benchmark.
 12. Distances and bearings for easements shown on the plat which are sufficient to locate said easements.

2.03 Surveys. All surveys conducted and graphically represented under the terms of this Ordinance shall comply with the minimum standards contained herein.

- A. **Positional Tolerance.** The relative precision of the survey shall meet or exceed the following: The true horizontal distance between any two points whose positions are stated relative to each other, whether directly or indirectly by calculation, shall not differ from the reported distance by more than 1 part in 5,000 plus 20 feet.
- B. **Point of Beginning.** The point of beginning shall be called out in the description and on the drawing.
- C. **Source of Bearing System.** The source of the bearing system shall be stated (i.e., assumed, magnetic, astronomic) in the description by the bearing on the face of the plat.
- D. **Area of Tract.** The calculated area of the tract in square feet or acres shall be included in the description.

E. Ties. All surveys of unplatted ground shall be tied to at least two section corners. Surveys of platted ground shall be tied to previously platted and monumented points.

2.04 Monuments, Markers, Benchmarks. Monuments and markers shall be placed so that their centers shall coincide exactly with the intersection of lines to be marked.

A. Monuments. Monuments shall be set at the following conditions:

1. At the intersection of all lines forming angles in the boundary of a major subdivision.
2. At the beginning and ending of all curves along street right-of-way lines and at the intersection of street right-of-way lines in major subdivisions.
3. Those points falling in paved roadway may be represented by road nails or railroad spikes provided a witness monument is set.

B. Markers. Markers or monuments may be set at the following locations:

1. At the intersection of street right-of-way lines.
2. At all section corners.
3. At all points where lot lines intersect curved property lines, either front or rear.
4. At all angles in property lines of lots.
5. At all lot corners not otherwise described herein.
6. At the beginning and ending of all curves along street right-of-way lines.
7. At all points described in this section in minor subdivisions.
8. Those points falling in paved roadway may be represented by road nails or railroad spikes provided a witness marker is set.

- C. **Subdivision Benchmarks.** One benchmark may be set in each major subdivision containing 100 lots or fewer. One additional benchmark shall be set for each additional one-hundred (100) lots or fraction thereof. The location of benchmarks may be approved by the appropriate authority.
1. The applicant's land surveyor shall establish subdivision benchmark elevations by a closed level circuit from the nearest United States Geodetic Survey (USGS) Benchmark.
 2. Each subdivision benchmark shall be installed behind the curb-line at an intersection so that the top of the benchmark is level with the top of the curb, unless otherwise permitted by the appropriate authority.
- D. **Subdivision Benchmark Specifications.** Each benchmark shall be pre-cast or poured-in-place concrete with a 28-day compressive strength of 4000 psi and a six (6)-percent air entrapment. Benchmarks shall be at least 12-inches square by 36-inches deep and shall be marked on top with a three (3)-inch diameter curved-head brass marker set flush with the top of the concrete.
- E. **Witness Monument and Marker Specifications.** Monuments shall be pre-cast concrete or concrete poured-in-place with minimum dimensions of four (4)-inches by thirty (30)-inches containing an iron or steel dowel at least twenty (20)-inches long and five-eighths (5/8)-inch in diameter set flush with the top of the monument, or a 5/8" x 30" rebar.
- F. **Surveyor's Registration Number.** All monuments and markers shall be identified by cap or permanent label carrying the surveyor's registration number.

2.05 **Subdivision Plats Defined.**

For the purposes of this Ordinance, the following terms shall be used in the presentation of requests for approval of subdivisions of land. Each term represents the graphic layout of the area to be subdivided.

- A. **Advisory Plat.** A sketch preparatory to the Primary Plat (or Secondary Plat in the case of a minor subdivision) to enable the subdivider to save time and expense in reaching general agreement with the Plan Commission as to the form of the plat and objectives of these regulations.
- B. **Primary Subdivision Plat.** The primary drawing, or drawings, described in these regulations, indicating the proposed manner, or layout of the subdivision to be submitted to the Plan Commission for approval.
- C. **Secondary Subdivision Plat.** The map of a subdivision to be recorded with the County Recorder after approval by the Plan Commission, and any accompanying materials as described in these regulations.
- D. **Master Primary Plat.** That portion of a Primary Plat submitted in connection with a multi-phase or phased subdivision application which provides the information and graphics meeting the requirements of this Ordinance for the purposes of implementing an integrated development scheme for all phases of the proposed subdivision.

In all cases the Applicant shall certify the information is an approximation or accurate (needed for Secondary Approval) presentation. A public hearing shall be held in the case of a Primary Plat approval meeting of the Plan Commission; a public hearing is not required for Secondary Plat approval, said approval can be delegated to the Plan Commission Staff for final approval subject to compliance with conditions specified by the Plan Commission at the public hearing on the Primary Plat (Note: For all intents and purposes the approval of the Primary Plat with conditions is semi-final approval of the Secondary Plat unless there is a major change in the Primary Plat, said major change shall necessitate a new public hearing). Plans submitted to the Plan Commission shall be drawn to a convenient scale of not more than one-hundred (100) feet to an inch.

Page 7 concludes Chapter 2

CHAPTER 3

SUBDIVISION APPLICATION PROCEDURES

3.01 GENERAL

- A. **Subdivision Defined.** A subdivision is any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plats, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development, whether immediate or future, either on the installment plan or upon any other plans, terms, and conditions. Subdivision includes the division or development of residentially and non-residential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes re-subdivision, but does not include condominiums regulated by I.C. 32-1-6.
- B. **Exempt Subdivisions.** The following divisions of land shall not be considered subdivisions in the usual sense of the word and are therefore exempt from the requirements associated with the division of land for residential purposes.
1. The division of land into parcels, or tracts, of five (5) acres or more in size which do not involve the construction of any new streets or easements of access;
 2. The sale or exchange of parcels of land between adjoining or contiguous land not creating any additional building sites;
 3. The conveyance of parcels of land, or interests therein, for their use as right-of-way for railroads or other public utility facilities and do not involve any new streets or easements of access;
 4. The division of land for federal, state, or local government to acquire street right-of-way;

5. The conveyance of land for highway roadbed or other public purposes or grants of conveyance relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
6. The conveyance of land to correct descriptions in prior conveyances of land;
7. The distribution of land by court order, primarily in the settlement of an estate but also for any other court action relative to the distribution of land.

In all cases, the proper legal descriptions, both superseded and new, and the legal authorization for the action taken, shall be provided for the Commission's file.

C. Advisory Plan Considerations. In order to make the most of the opportunities related to the subdivision and to conserve time, effort, and expenses, the owner or subdivider should consult with the Commission and other public or utility officials prior to the preparation of the tentative plan of the subdivision. The Comprehensive Plan of the City shall be reviewed to determine how the proposed plan will fit into the Comprehensive Plan requirements for major and minor streets; school and recreational sites; shopping centers; community facilities; sanitation facilities; water supply facilities and adequacy of water source; appropriate drainage systems, and the relationship to other developments, existing and proposed, in the vicinity, and downstream from the proposed subdivision.

The applicant shall be provided with a copy of the Columbia City Subdivision Checklist of a current date, and as shown in Figure 3-1, and a list of Checkpoint Agencies in Figure 3-2 to assist the applicant in meeting the requirements of the Ordinance.

The Executive Director or Staff member of the Planning and Building Department shall provide the applicant with a schedule of dates for an Advisory Plan, Primary Plat and Secondary Plat Approval public hearing said dates reflecting the steps necessary in the quest for a Certificate of Approval for the plat.

The Advisory Plan shall be submitted to the Planning Department at least

one (1) week prior to the date of the hearing. The purpose of the Advisory hearing is to provide the applicant with commentary by the Planning Commission relative to the proposed plan. No official action on the Advisory Plan shall be taken at this time. The applicant shall submit primary plat and secondary plat petitions according to the deadline schedule prepared annually for the regularly scheduled meeting dates of the Plan Commission prior to the regularly scheduled meeting date of the Planning Commission.

COLUMBIA CITY SUBDIVISION CHECKLIST

- File the application and pay the filing fee.
- Contact Surveyor and have Primary Plat prepared.
- Place legal advertisement in the newspaper
(Notice of Public Hearing)
- Notify adjacent property owners (Affidavit of Notice of
Public Hearing to Adjacent Property Owners.)
- Complete Agent's Statement. (If applicable.)
- Submit the following items to the Planning & Building Department
at least ten (10) days prior to the date of the scheduled hearing:
 - Primary Plat
 - Proof of Publication (if not already forwarded to the Plan
Commission Staff by the newspaper.)
 - Completed Notice to Adjacent Property Owners Form
(with any green receipt cards.)
 - Comment letters from the Health Department, gas company,
electric company, or City Utilities, and telephone company.
 - Restrictive Covenants.

FIGURE 3-1 SUBDIVISION CHECKLIST

COLUMBIA CITY CHECKPOINT AGENCIES

1. County Engineer Highway Department
2. County Soil and Water Conservation District
3. County Board of Health
4. City Board of Works
5. City/Township Fire Chief
6. Electric Company
7. Telephone Company
8. Gas Company
9. Cable TV Co.
10. City Park Director

Note: Not all of the above agencies need to be contacted; consult with Planning Department Staff for applicability.

FIGURE 3-2 CHECKPOINT AGENCIES

D. Classification of Land Divisions. It should be noted in discussing the subdivision of the land that a lot or parcel is "created" on the date of its recording with the County Recorder and a principle-use building is defined as that building in which the principle-use of the lot or parcel is conducted. Standards recognized by the Indiana Administrative Building Council shall be used to determine whether a given building constitutes one or more buildings in cases where ambiguities exist. All land to be divided shall be categorized as follows:

1. **Major Subdivisions.** A major subdivision is one which requires new streets and/or extensions of existing streets and also substantially affects other local governmental facilities or causes the creation of any public improvements. Major subdivisions require the preparation of an Advisory Plat, a Primary Plat, and a Secondary Plat.

2. **Phased Subdivision Application.** A phased subdivision application is for subdivision approval submitted pursuant to a Master Primary Plat, or at the option of the subdivider, pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop it one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, nonresidential development projects, planned unit developments, mixed-use projects, and residential developments.
3. **Planned Unit Development (PUD).** A Planned Unit Development is a development constructed on a tract of minimum size, initially under single ownership, planned and developed as an integral unit, consisting of a combination of residential and non-residential use of the land.
4. **Non-Residential Subdivision.** It is recognized that the subdivider, in creating a non-residential subdivision, faces problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the Planning Commission shall be upon street layout and block arrangement.
 - a. **Procedural Requirements.** The procedural requirements for primary and secondary approval of non-residential subdivision are as provided in this Ordinance. Non-residential subdivisions may be either major or minor plats, as defined. However, in any case, the subdivider need show only the proposed street and block layout, and not lot locations, on the primary plat. Subsequently, as prospective buyers or users express interest in lots sized to their specifications, the subdivider shall then submit, to the Executive Director, a secondary plat or plats in phases upon which lot lines are shown. Streets or other public facilities may not be changed from the approved primary plat unless approved by the Planning Commission or the Executive Committee.

- b. **Site Plan Approval.** Site Plan approval, as required by the Zoning Ordinance, and the non-residential plat approval may proceed simultaneously provided all standards of both Ordinances are met.
- c. **Non-Residential Subdivision Standards.** The standards for non-residential subdivisions are as follows:
- (1). Non-residential subdivisions must be appropriately zoned for business, industry or multi-family (motel/hotel) dwelling prior to the proposal for a subdivision.
 - (2). All non-residential subdivisions shall be served by approved water and sewer facilities, by individual wells, on-site sewage disposal facilities, or some combination thereof as specified in Paragraphs 4.04 **Water Services** and 4.06 **Sanitary Sewers**, of this Ordinance. By reference, Columbia City Code Chapter 51.05 **Sewage Disposal Regulated**, and 51.06 **Private Disposal Facilities Permitted** are a part of this Ordinance.
 - (3). All applicable design standards of this Ordinance shall be met.
 - (4). All applicable standards of the Zoning Ordinance Chapter 10, **Off-Street Parking and Loading Requirements**. Due to the nature of this subdivision category, which addresses large development of a commercial and/or industrial nature, buffer zones shall be accordance with Paragraph 4.10 F. of this Ordinance and fire lanes shall be in accordance with Paragraph 4.17 H.(20) of this Ordinance.
- d. **Construction and Design Requirements.** If access will be required for large trucks and/or heavy loads, the Planning Commission may increase the design and construction requirements. **Paragraph 4.16, Streets: Layout Design**, of this Ordinance based on the recommendation of the City Street Superintendent/

Engineer. Roads serving primarily non-residential traffic, especially truck traffic, shall not normally be extended to the boundary of adjacent tracts used or zoned for residential purposes, nor shall primarily residential roads be used for access to industrial subdivisions.

- e. **Multi-Family Dwellings.** Multi-family (Motels, Hotels and Apartment Complexes) dwellings shall be designed to discourage traffic from using streets designed and constructed for single-family residential use.

- f. **Buffer Areas for Non-Residential Subdivisions.** Commercial, Industrial, and Multi-Family subdivisions shall contain landscaped buffer areas of at least twenty (20) feet in depth along all lot lines abutting land zoned for single-family or two-family residential use. The subdivision plans must show the planting details, including the type(s) and height of vegetation and the caliper of trees to be planted. Such landscaped buffer shall be at least six (6) feet in height and shall consist of materials which will form a dense screen, or an opaque fence shall be constructed to accomplish this purpose. The design and the materials of such fence shall be shown on the plans.

- g. **Traffic Patterns.** In non-residential subdivisions, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between various types of traffic, including pedestrian. A peripheral street shall be provided when large parking lots have a customer access street immediately adjacent to the place of business, said street shall have not less than two (2) traffic islands described in Chapter 10, **Off-Street Parking Requirements of the Columbia City Zoning Ordinance.**

- E. **Minor Subdivision.** A minor subdivision does not require new streets and/or additional local government facilities.

3.02 Subdivision Petition Requirements.

- A. Application Requirements.** In order to begin the subdivision process, the applicant shall file an application for review with the Executive Director. This application shall:
1. Be made on forms available at the office of the Commission and signed by the owners:
 2. Include indication of all contiguous holdings of the owner including land in the same ownership, with an indication of the portion which is proposed to be subdivided.
 3. Be presented to the Executive Director.
 4. Be accompanied by a minimum of three (3) copies of the plan;
 5. Include an address and telephone number of an owner or agent who shall be authorized to receive all notices required by this ordinance.
- B. Checkpoint Submission.** In order to fulfill this last application requirement, a copy of the proposed plan shall be submitted to each of the appropriate agencies to show the plan location so that their comment may be made to the Executive Director. The checkpoint agencies appropriate to each participating jurisdiction in which a plan may be located are listed as Figure 3-2 Checkpoint Agencies; namely by municipal utilities, electric company, telephone company gas company and cable company. The Executive Director shall request that all officials and agencies to whom a request for review has been made, submit a written report within fifteen (15) calendar days after receipt of the request. No response from an agency shall be interpreted as meaning "no objection."
- C. Primary Plat Hearings.**
1. **Date of Hearing; Notice.** The Planning Commission shall consider the application for primary plat approval, not later than the second regular meeting following its proper submission to the Planning Department. The Plan

Commission Staff shall review the primary plat for the subdivision and, when satisfied that the plans meet all the requirements of the Subdivision Ordinance, schedule a public hearing of the petition at the next regularly scheduled meeting of the Planning Commission. The Plan Commission shall require the applicant to give written notice to be given to all interested parties, including all owners of property abutting the proposed subdivision, said notice to be given at least ten (10) days prior to the date set for the hearing, as specified in I.C. 36-7-4-706. The applicant shall cause the published notice of the hearing pursuant to I.C. 5-3-1-through I.C. 5-3-1-9, but in no case shall the hearing notice be less than ten (10) days prior to the hearing. The cost of publishing the notice shall be paid by the subdivider.

A complete set of construction plans shall be presented at the public hearing for the primary plat.

2. **Primary Approval or Denial.** At the conclusion of the public hearing the Commission may give its primary approval, with or without conditions, or deny the petition for cause. Conditions placed on the primary approval shall be deemed necessary to the interests and needs of the community. Primary approval shall be effective for a period of 24 months after the date of primary approval. Upon request by the applicant, a one (1) year extension of the original approval period, or a total time period of three (3) years beyond the date of primary approval; this extension does not require further public notice or public hearing. It is the responsibility of the subdivider to file for an extension of the completion date for the petition. **If secondary approval has not been given within this time limit for at least one (1) phase of the primary plat, the plat must again be submitted to the Commission for primary approval.** Within five (5) working days following the public hearing, one copy of the primary plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval, and the reasons therefore, accompanying the plat.

D. Action After Hearing.

1. If, after the hearing, the Commission determines that the application and plat comply with the standards of this chapter, the Commission shall make written findings and a decision granting primary approval to the plat. These findings shall be signed by the President, or authorized officer of the Plan Commission.
2. If, after hearing, the Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval, and shall provide the applicant with a copy. These findings shall be signed by the President, or authorized officer of the Plan Commission.
3. The primary approval or disapproval of a plat by the Plan Commission or the imposition of a condition on primary approval is a final decision of the Plan Commission which may be reviewed by certiorari procedure the same as that provided for the appeal of a decision of the Board of Zoning Appeals.

- E. Field Trip.** The Commission may elect to take an informal field trip to the site of the subdivision if the majority of the members present feel the need for visual clarification of the plans presented. The applicant or his representative shall accompany the Commission to the site. Questions directed to the applicant may be asked by Commission members. No discussion shall take place between Commission members regarding the merits of the subdivision.

If a field trip is considered necessary, the public hearing shall be continued until the next regularly scheduled meeting. The petition hearing does not have to be re-advertised as the action taken at this time is a matter of record.

3.03 Primary Plat Procedures.

- A. **Preparation.** The primary plat shall be prepared by a licensed land surveyor at a convenient scale of not more than one hundred (100) feet to the inch, may be prepared in pen or pencil and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder, but shall not be larger than twenty-four (24) by thirty-six (36) inches. (It should be noted that the map prepared for the primary plat may also be used for the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible Mylar; preparation in pencil will make required changes and additions easier).
- B. **Features.** The primary plat shall show the following:
1. The location of the property with respect to surrounding property and streets, the names of all contiguous property owners of record, or the names of adjoining developments; and, the names of adjoining streets.
 2. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
 3. The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, flood plains, railroads, buildings, parks, cemeteries, drainage ditches, bridges, and topography (at the same scale as the advisory plat) within the boundaries of the plat.
 4. The location and width of all existing and proposed streets, alleys, and other public ways and their rights-of-way, and of easements and building set-back lines, utilities, fire hydrants and storm water facilities.
 5. The locations, dimensions, bearings and areas of all proposed or existing lots.
 6. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and

conditions, if any, of the dedication or reservation. Reference is made to § 4.25 A., Public Spaces.

7. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name and registration number of the land surveyor.
8. The date of the map, approximate true north point, scale, and title of the subdivision.
9. Engineering drawings/plats should have sufficient data on them to provide the Planning Commission and other approval authorities a comprehensive idea as to the size of the subdivision and the infrastructure needed to serve it. A legend of markings on the engineering drawings should identify their purpose.

The subdivider shall not be required to show any specific interior tract or parcel sizes by letters or numbers when submitting any preliminary or final plat of a subdivision to be used solely for commercial or industrial purposes.

10. Names of the subdivision and all new streets subject to approval by the Commission.
11. Indication of the use of any lot (single- family, two-family, multi-family, townhouse) and all uses other than residential proposed by the subdivider.
12. For plats being developed in sections, a sectionalization plan that indicates compliance with Section 4.13.

(1980 Code, Ch. 154, § 3.03) (Ord. 2001-4, passed 3-27-2001) (Ord. 2020-31, passed 11-10-2020)

§ 3.04 Construction Plans.

A. General construction plans.

General construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than 1 inch equals 100 feet, and map sheets shall be of the same size as the primary plat. The following shall be shown:

1. Profiles showing existing and proposed elevation 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 one hundred (100) feet of the intersection, shall be shown. Radii of all curves, lengths of tangents, and central angles on all streets.
2. The Commission may require a topography map where steep slopes exist, that cross-sections of all proposed streets at one hundred (100) foot stations and shown at five (5) points as follows: on a line at right angles to the center line of the street, and all elevation points shall be at the center line of the street, each property line, and points twenty-five (25) feet inside each property line.
3. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitude, right-of-way, manholes, and catch basins, the locations of street trees, street lighting standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water lines, gas lines or other underground structures. Letters of approval shall be obtained from the City Board of Public Works and Safety and the County Engineer stating that plan is acceptable or conditions stated to make it so.
4. Location, size elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, flood plains, and other pertinent features such as swamps, railroads, buildings, features noted on the Official Map or Comprehensive Plan at the point of connection to proposed facilities and utilities within the subdivision, and measured four (4) feet above ground level; and which the Plan Commission has required to be reserved, the water elevations of adjoining lakes or streams at the date of the survey, and the approximate high-and-low water elevations of such lakes or streams; all elevations shall be referred to the United States Geodetic Survey (USGS) datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than

twenty (20) feet back from the ordinary high-water mark of such waterways shall be shown.

5. Topography at the same scale as the primary plat with a contour interval of two (2) feet, referred to the sea-level datum. all data provided shall be the latest applicable USGS data and should be so noted on the plat.
6. All specifications and references required by the (City) (County's) construction standards and specifications, including a site-grading plan for the entire subdivision.
7. Title, name, address, signature, registration number and seal of the professional engineer and/or surveyor, and date, including revision dates.

- B. Requirements for Approval.** The applicant shall file three (3) sets of detailed drawings and specifications with the Planning Commission before starting any improvements. Four (4) or five (5) sets may be necessary if a Drainage Board is involved; or a County Engineer, when a subdivision is located in the jurisdiction of the County but City water and/or sewer treatment facilities are used.
- C. Review Process.** The Executive Director of the Planning Department shall immediately refer these plans to the appropriate agencies of the affected participating jurisdictions for review. These agencies shall give written approval or denial, with justification for their action. In no event shall secondary approval of the final plat be given prior to the approval by the Board of Works of the constructions plans.
- D. Installation of Improvements.** The installation of improvements shall be inspected by the appropriate participating jurisdictions. Said inspections are required in all instances regardless of whether the work is performed before or after secondary (final) approval is given. Failure to request or procure inspection of work performed after the date of this ordinance, and before secondary approval is given, may be cause for denial or rescinding secondary approval.

3.05 Secondary Plat Documentation.

A. Data Package Requirements. After approval of the Primary Plat by the Plan Commission and the fulfillment of the requirements of these regulations, and after ten (10) days have passed from the issuance of the Commission's findings with no evidence of appeal forthcoming, one (1) tracing of the secondary plat of the subdivision, drawn with India ink on the best grade of tracing cloth, and three (3) prints thereof, shall be submitted to the Commission for secondary approval. The secondary plat shall be prepared at the same scale as the plat which was granted primary approval and shall conform to it substantially except for changes directed by the Commission. The secondary plat shall show:

1. Name of subdivision.
2. Location by section, township, and range, or by other legal description.
3. The name and certification of the registered or licensed land surveyor.
4. Scale shown graphically, date, north arrow, and PETITION NUMBER.
5. Boundary of plat, based on an accurate traverse with angular and lineal dimensions.
6. Exact location, width, and name of all streets within and adjoining the plat; the exact location and width of all alleys. Street continuations shall have the same name as the pre-existing street with modifications of "North, South, East, West," if necessary.
7. True course and distances to the nearest established street lines or official monuments which shall accurately describe the location of the plat.
8. City, town, township, county, or section lines accurately tied to the lines of the subdivision by distances and courses.

9. Radii, internal angles, central angles, points of curvature and tangency, and lengths of all arcs.
10. All easements for right-of-way provided for public services and/or utilities.
11. All lot and block numbers and lines with accurate dimensions in feet and hundredths of feet. Blocks in numbered additions to subdivisions bearing the same name may be numbered consecutively through the several additions. Lot numbers in new subdivisions which are not adjacent or contiguous to an existing subdivision shall be numbered consecutively. Areas of the proposed subdivision which are scheduled for future development shall be identified alphabetically or assigned outlot numbers and noted as such.
12. Lines of all streets, with accurate dimensions and feet and hundredths of feet, showing angles to streets and alley, and lot lines.
13. Accurate location of all monuments.
14. Accurate outlines and legal descriptions of any area to be reserved or dedicated for public use. Each of these areas which are to be reserved by deed or covenant, shall be identified thusly; public park, common area for property owners, etc.
15. Building setback lines accurately shown with dimensions.
16. A description of the property platted which shall be the same as that recorded in preceding transfer of the property or the portion of the transfer covered by the plat.
17. Restrictive covenants of all types which shall run with the land.
18. Certificates for approval by the Commission shall be signed by the Plan Commission President, or authorized officer of the Plan Commission.

3.06 Secondary Approval Requirements.

- A. **Secondary Approval.** By vote of the Commission, the Secondary Approval may be delegated to the Executive Director, or an authorized assistant, when it is determined that all of the requirements specified at the Primary Hearing have been met.
- B. **Board of Public Works and Safety Certification.** In submitting the plat to the Commission, it should be accompanied by a notice from the Board of Public Works and Safety stating that there has been filed with and approved by the Board, one of the following:
1. A certificate that all improvements and special installations pertinent to the subdivision have been made or installed in accordance with specifications.
 2. Whenever all or part of the subdivision is located within the corporate limits of the City, a Subdivision Improvement Agreement and Guarantee, a Maintenance Bond, or a Temporary Improvement Bond, shall :
 - a. Run to the Board of Public Works and Safety;
 - b. Be in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with this chapter;
 - c. Be with surety satisfactory to the Commission and;
 - d. Specify the time for completion of the improvements and installations.
- C. **Board of County Commissioners Certification.** In submitting the plat to the Board of County Commissioners for approval, it should be accompanied by a notice from the County Engineer that there has been filed with, and approved by the Board of Public Works and Safety and/ or the Board of County Commissioners and the County Engineer, one of the following:
1. A certificate that all improvements and installments pertinent to the subdivision have been made or installed in accordance with the specifications.

2. Whenever all or part of the subdivision is located within the unincorporated part of the County, a Subdivision Improvement Agreement and Guarantee, a Maintenance Bond, or a Temporary Improvement Bond, shall:
 - a. Run to the Board of County Commissioners, unless agreed otherwise by the City and County officials;
 - b. Be in an amount determined by the Board of County Commissioners to be sufficient to complete the improvements and installations in compliance with this chapter;
 - c. Be with surety satisfactory to the Board of County Commissioners and;
 - d. Specify the time for completion of the improvements and installations.

D. Secondary Plat Approval and Recording. When recording the plat with the County Recorder, it shall have the following:

1. All revision dates must be shown.
2. Notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Commission in accordance with these regulations, and;
3. All monuments erected, corners, and other points established in the field shall be shown and noted in their places on the plat. The legend for metal monuments shall indicate the kind of metal, the diameter, and the length of the monuments.
4. The Plan Commission Seal of Approval and the signatures of the President, or authorized officer of the Commission, and the Board of Works and the County Commissioners.
5. The Certification of approval by the Licensed Land Surveyor responsible for the plat layout.

6. Be accompanied by a current Deed of Dedication and any other dedications, protective Covenants or private restrictions provided by the subdivider or recommended by the Commission, said covenants to specify the use(s) to be made of the property and in the case of residential use, the minimum habitable floor area.

E. **Petition Denied or Declared Null and Void.** A Finding of Fact shall be a part of the Petition or Subdivision Plat file should the petition be denied during the approval process or should the improvements and installations be in default by the subdivider.

Page 19 concludes Chapter 3

CHAPTER 4

REQUIREMENTS FOR IMPROVEMENTS RESERVATIONS, DESIGN

4.01 General Requirements

A. Conformance to Applicable Rules and Regulations.

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

1. all applicable State and Local statutory provisions;
2. the City/County Zoning Ordinance, Building and Housing Codes and all other applicable laws and ordinances of the appropriate jurisdictions;
3. the Comprehensive Plan, Official Map or Thoroughfare Plan, Public Utilities Plan, and Capital Improvements of the City/County including all streets, drainage systems, and parks shown on the Official Map or Comprehensive Plan as adopted;
4. the special requirements of these regulations and any rules of the Health Department and/or appropriate State Agencies;
5. the rules and regulations of the Indiana Department of Transportation if the subdivision or any lot contained therein abut a State highway or State frontage road;
6. the highway and drainage standards and regulations adopted by the City/County Engineer and all boards, commissions, agencies, and officials of the City/County;
7. all pertinent standards contained within still valid planning guides published by the Plan Commission and approved by the Common Council of the City of Columbia City, Indiana.

8. The following data from the City Zoning Ordinance are, by reference, made a part of this subdivision ordinance;
- a. **2.07 Fences and Walls.** A discussion of type, location, material and maintenance;
 - b. **5.10 (F) (1) Design and Construction.** A discussion of all public and private improvements for Manufactured/Mobile Home Parks, but applicable to all developments;
 - c. **5.10 (F) (6) Landscape Maintenance.** A discussion of responsibility for Mobile Home Parks.
 - d. **5.10 (F) (7) Street Lights.** A discussion about street lighting and approval requirements;
 - e. **10.03 (A) (1) Design Requirements.** A discussion of areas used for standing, parking, and maneuvering of vehicles and the Special Exceptions which address single-family residences with driveways exceeding seventy-six (76) feet in length.
 - f. **10.03 (C) Sight Triangle.** A discussion of conditions which are of concern at street intersections and the method to be used to increase visibility;
 - g. **10.04 (F) Lighting.** A discussion with regards to lighting of off-street parking areas and loading spaces to be used at night;
 - h. **10.04 Screening and Landscaping.** A discussion of protection, improvement, and preservation of the appearance and character of the neighborhood and of the City through the screening effects and aesthetic qualities of such landscaping.

- B. Subdivision Name.** The proposed name of the subdivision shall not duplicate, nor too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Commission shall have final authority to approve the name of the subdivision; said name to be finalized at the time of second approval. All records thereafter shall reference the name, the Petition Number, and the date of the Petition Approval of the Subdivision.
- C. Plat Approval.** Plat approval may be withheld if a subdivision is not in conformity with the above guidelines and requirements or with the policies and purposes of these regulations established as follows:
1. This ordinance which is enacted pursuant to Indiana Home Rule and Planning Enabling Legislation (I.C. 36-1-3-4) and I.C. 36-7-4-700 series, as amended) authorizes the City/County Plan Commission to review, approve, and disapprove plats for subdivisions which show lots, blocks or sites with or without new streets or highways.
 2. No Building Permit or Certificate of Occupancy shall be issued for any parcel or plat which was created by subdivision, or re-subdivision, after the effective date of this Ordinance, unless the provisions of the subdivision regulations have been met; and no excavations of land or construction of any public or private improvements shall take place, or be started, except in conformity with instructions contained herein and in conformance with construction standards adopted by the City/County. Refer also to City Chapter 151: Improvement Location Permits for additional information.
 3. No plat or re-plat of land located within the jurisdiction of the City Plan Commission shall be filed with the County Auditor and recorded by the County Recorder unless it has first been granted secondary approval by the City Plan Commission, and said approval been signed and certified on the plat by signature on the plat by the President and Secretary (or authorized person) of the Commission. If the petition for plat or re-plat is disapproved, the Commission shall set forth in its

own records the reason for the refusal and provide the applicant/petitioner with a copy of this "Finding of Facts".

4. Subdivisions within the two-mile jurisdictional area shall abide by the Rules and Regulations as specified in this Ordinance. Where improvement requirements are in conflict with Whitley County regulations, consideration shall be given to City/County modification of those improvement requirements with prime consideration to those subdivisions which are contiguous to the City Corporate Limits, subject in part to County Improvement regulations.
5. Self-Imposed Restrictions. If the owner places restrictions on any land contained in the subdivision greater than those required by the City Zoning Ordinance or these regulations, such restrictions shall be recorded with the County Recorder.

D. Plats Straddling Municipal Boundaries. Whenever access is required across land in another jurisdiction, the Commission shall request written assurance from the City/County Plan Commission Attorney that such access is legally established and by the City/County Engineer that the access road is adequate or a Performance Bond has been duly executed and is in the amount that will cover the cost of construction of the access road. Lot lines shall be laid out, whenever possible, so as not to cross municipal or township boundary lines.

4.02 Standards of Improvements.

Before secondary approval may be granted, the plat of the subdivision shall conform to the following standards of improvements which may be installed under the supervision of an inspector whose qualifications meet the approval of the Executive Director, if deemed necessary. The cost of the inspection shall be borne by the subdivider/owner.

- A. Monuments and Markers and Subdivision Benchmarks.** Monuments 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 is level with the finished grade.

1. Monuments shall be set :

- a. at the intersection of all lines forming angles in the boundary of the subdivision;
- b. at the beginning and ending of all curves along street right-of-way lines;
- c. at the intersection of street right-of-way lines;
- d. at those points falling in a paved roadway. In this instance, they may be represented by road nails or railroad spikes, provide a witness monument is set.
- e. such monuments shall not replace monuments previously set at stated locations.

2. Markers shall be set:

- a. at the intersection of street right-of-way lines;
- b. at all section corners;
- c. at all points where lot lines intersect curved property lines, either front or rear;
- d. at all angles in property lines;
- e. at all lot corners not otherwise described herein;
- f. at the beginning and ending of all curves along the right-of-way lines;
- g. at those points falling in paved roadway where they may be represented by road nails or railroad spikes provided a witness marker is set.

3. Monuments shall be of stone or concrete (which may be poured in place), with minimum dimensions of four (4) inches by thirty (30) inches, set vertically in place. They shall be marked on top with a brass plug, or iron or copper dowel, at least three-eighths (3/8) inch thick, set flush with the top of the monument, deeply scored on top with a cross. They shall be set following grading of each phase of development of the subdivision.
4. Markers shall consist of iron pipes, or steel bars, at least (24) inches long, and not less than five-eighths (5/8) inch in diameter. They shall be set prior to the sale of the lot.
5. All monuments and markers shall be identified by cap or permanent label carrying the Surveyor's registration number.
6. **Subdivision Benchmark Design and Location.** One benchmark may be set in each subdivision containing 100 lots or fewer. One additional benchmark may be set for each additional 100 lots or fraction thereof. The locations of benchmarks shall be approved by the City/County Surveyor or approved authority.
 - a. The applicant's land surveyor shall establish subdivision benchmark elevations by a closed level circuit from the nearest United States Geographical Section (U.S.G.S.) benchmark.
 - b. Each subdivision benchmark shall be installed behind the curb; unless otherwise permitted by the City/County Surveyor or appropriate authority.
 - c. Subdivision benchmark specifications are as follows: each benchmark shall be pre-cast or poured-in-place concrete with a 28-day compressive strength of 4000-psi and six-percent (6%) air entrapment. Benchmarks may be at least 12-inches square by thirty-six-inches (36") deep and shall be marked on top with a three-inch (3") diameter curved-head brass marker set flush with the top of the concrete.

4.03 Character of the Land

If the Commission finds that the property requested to be subdivided is unsuitable for development because of flooding, topography, inadequate water supply, inadequate sewage disposal, or other conditions which may endanger health, life, or property, the Commission shall not approve the land for subdivision. As a minimum, the Commission is empowered to approve the subdivision of land only after it finds that the land meets the following criteria:

- A. **Steep Slope.** For subdivisions with lots which will be served by individual sub-surface sewerage disposal system, each lot shall contain land area providing a suitable site for a filter field which contains at least the minimum area required by the Whitley County Board of Health and the Indiana Department of Health and each lot shall contain sufficient area for a reserve filter field. The remainder of the lot may contain slopes ten-percent (10%) or greater.
- B. **Water Bodies.** Each lot shall contain a contiguous land area providing a suitable building site which is at least 75-percent (75%) of the minimum lot size established by the Zoning Ordinance. The remaining twenty-five percent (25%) of the minimum lot size may have permanent or seasonal water bodies.

4.04 Water Services.

Potable water shall be made available to the subdivision as follows:

- A. **City Water Supply.** The City may provide water mains to and into the subdivision. Cost of such infrastructure shall be borne by the developer.
- B. **Community Water Service.** The subdivider may provide a complete water supply system, independent of the City water system when the connection to the City water system is determined as impractical. Cost of such infrastructure shall be borne by the developer and shall be constructed in accordance with the minimum requirements of the Columbia City Board of Public Works and Safety and the Indiana State Board of Health.

- C. **Individual Water Services.** The subdivider shall provide each lot with an individual water supply source in accordance with the minimum requirements of the City and County Health Departments.
- D. **Plans for Water Service.** The plans for any water supply infrastructure shall be prepared by the subdivider's licensed Engineer and approved by the Columbia City Board of Public Works and Safety and the Indiana State Board of Health.
- E. **Recording of Water Supply Installation.** On completion of the water supply installation, two sets of the plans, as built, shall be filed with the Columbia City Board of Public Works and Safety.
- F. **Completion of Water Supply System.** Installation of the water supply system shall be completed prior to the construction of any building on the lot.
- G. **Fire Hydrants.** In any subdivision served by the City water main system, or other group water supply system, fire hydrants shall be installed every 500 feet, as per clause 94.17 of the City's Fire Prevention Code.
- H. **Preparation and Recording of Water Supply Services.** The plans for the water supply services shall be provided by the owner/developer and prepared by a person licensed by the State of Indiana.
- I. **Abandonment of Water Wells.** Water well abandonment shall conform to the requirements of the State of Indiana .

4.05 **Flood Hazards.**

Each lot shall contain enough land which is not located in a floodway, as defined by the Zoning Ordinance (See Paragraph B that follows), to accommodate the permitted use(s) of the property and, if required, an individual sub-surface flood water disposal system. In general, lots consisting of land located in a flood hazard area shall not be approved for subdivisions. Consideration may be given to the possibility that there may be land outside the flood hazard area available from the parent tract to provide building sites.

- A. **Minimum Flood Damage.** Base flood elevations and their delineation shall be required for all subdivisions containing flood plains.
- B. **Seasonal Water Tables.** When designing lot layout for a specific area, attention shall be given to not only flood hazards, but also areas of high seasonal water tables, floodway areas, floodway fringe areas as discussed in Chapter 8, The Flood Hazard Overlay District of the City/County Zoning Ordinances.

4.06 **Sanitary Sewers.**

The subdivider shall provide the subdivision with sanitary sewage facilities in accordance with one of the following systems as detailed:

- A. **Public Sewage Collection System.** The owner/developer shall connect the subdivision to the public sanitary sewer system if the property to be developed can be served by the public sanitary sewer system and is approved by the Columbia City Board of Public Works and Safety. Service laterals shall be installed between the street sewer main and the property line before the street is paved.
- B. **Privately Owned Sewage Treatment System.** Where it is not possible to connect the subdivision sanitary sewer system to a City sewer, the subdivider may construct a local treatment system consisting of the necessary house laterals, service mains, lift stations, and interceptors required to conduct the subdivision's sanitary sewage to a single treatment facility.
- C. **Individual Lot Sewage Disposal System.** Where alternatives (A) and (B) above are not practical, the Commission may permit the owner/subdivider to install on each lot of the subdivision an individual sewage system consisting of a septic tank, tile, absorption fields and associated plumbing.

The individual disposal system shall not be permitted where soil conditions exist which would prevent percolation of effluent and/or subject groundwater to contamination

The minimum area required for an individual sewage disposal system shall be one acre or more in order to accommodate an alternative filter field should the primary filter field become inoperable. Refer also to Paragraph 4.03 (A) Steep Slope of this ordinance for further information relative to this type of sewage disposal system. Refer also to Whitley County Ordinance 0-93-08 An Ordinance Regulating Private Sewage Disposal Systems in Whitley County, Indiana recorded in 1993 under number 93-5-244.

The owner of the lot having a reserved space for a filter field shall inform the buyer of such reserved land, and that the integrity of that reserved land shall not be diminished by the use of that land for other than the stated purpose designated unless the property owner acquires access to a City or Community Sanitary Sewer System. This information shall be written and form a part of any legal transaction with regards to the land.

- D. **Approving Authority for Sanitary Sewers.** The Columbia City Board of Public Works and Safety and the Whitley County Health Department and/or the Whitley County Health Officer are the approval authority for determination of minimum requirements for the establishment and construction of facilities for the disposal of sewage in a sanitary manner. Upon completion of the sanitary sewer installation, two copies of the plans for such system, as built, shall be filed with the City Engineer or appropriate authority. All sources of approval including approval by the Indiana State Board of Health shall be verified in writing.

All aspects of proper sewage disposal are under the Indiana Department of Health and the Indiana Department of Natural Resources.

- E. **Associated Regulations for Sanitary Sewers.** Columbia City Regulation 51.05 Sewage Disposal Regulated and 51.06 Private Disposal Facilities Permitted, as amended, and by reference, are a part of this ordinance. Reference is also made to Indiana State Department of Health Rule 410 IAC 6-8.1 Residential Sewage Disposal Systems.

F. **Preparation of Sanitary Sewer Plans.** The plans for sanitary sewer facilities shall be provided by the owner/developer and approved by the appropriate State Agency who shall verify that the plans conform to the appropriate State, County and Local specifications. Two copies of the as-built plans shall be provided by the owner/developer and filed with the Columbia City Board of Public Works and Safety.

G. **Location and Size for a Residential Sewer.**

1. The residential septic system shall be located at least fifty (50) feet from any water supply well or subsurface pump suction line.
2. In no case shall sewers be located closer than ten (10) feet to drilled and driven water supply wells or subsurface pump suction lines.
3. Water lines and sewers shall not be laid in the same trench. A horizontal separation of ten (10) feet shall be maintained between water lines and sewers. Where crossings are necessary, a minimum of eighteen (18) inches vertical clearance must be maintained.
4. Reference is made to Indiana State Board of Health Paragraph 410 IAC 6-8.1-36 Location and Size for more details on this subject.

4.07 **Lot Improvements.**

Existing features which would add value to the type of intended development to the community as a whole, such as trees, watercourses, falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the overall design of the subdivision. Ecological considerations for the subdivision in development are discussed in the following paragraphs.

- A. **Soil Preservation and Final Grading.** A Certificate of Occupancy shall not be issued until final grading has been completed, in accordance with the approved construction plan. There shall be an amount of viable top soil for landscaping requirements. Planting shall be viable for at least two (2) growing seasons under normal growing

conditions. Top soil shall be stabilized by seeding, plantings, or similar methods.

B. Lot Grade and Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm water drainage patterns for the area. Drainage shall be designed so as to avoid the accumulation of storm water on any one or more lots from adjacent lots. It shall be the initial responsibility of the owner/developer having overall responsibility for the development of the lot(s) to meet these requirements. Subsequent responsibility lies with the lot owner. The Executive Director or Building Inspector or approved authority shall give a visual inspection of the site prior to the issuance of a Certificate of Occupancy.

C. Delayed Initial Lawn Care. No Certificate of Occupancy shall be issued until re-spreading of soil and seeding of the lawn have been completed; however, if the final grading and/or seeding of the lawn is not done during the planting season, a Letter of Intent shall be written to the Executive Director with the signatures of the builder and the owner, stating that the task shall be done during the immediately following planting season.

D. Existing Flora

The subdivider shall strive toward protecting and retaining all existing healthy trees of 12-inch caliber or larger, measured four (4) feet above the ground, not actually growing in public roadways, drainage easements, soil absorption and waste disposal filter fields, paths, trails, or easements and building sites. Reference is made to the United States Department of Agriculture publication "Agricultural Information Bulletin No. 285 Protection of Trees Against Damage From Construction Work", United States Government Printing Office, 1964, as amended. Two (2) copies of this document are incorporated by reference into this ordinance and may be on file in the office of the County Soil and Water Conservation District Office for public inspection. Reference is also made to Columbia City Code Chapter 99, Tree Plan, Ordinance 1995-1 and subsequent amendments which shall be the primary source of information relative to trees e.g. species, planting, care.

Literature is available in Chapter 99: Tree Plan can be viewed in the office of the Columbia City Clerk Treasurer.

Certain sections of the Columbia City Zoning Ordinance are made, by reference, a part of this Ordinance and shall be adapted to meet the needs of the subdivision. Those sections or paragraphs are as follows:

1. **9.03 Development Plan.**
 2. **9.03 (A) (6) Existing Conditions.**
 3. **9.03 (B) (6) Existing Conditions.**
 4. **9.05 Period of Validity.**
 5. **10.03 (C) Sight Triangle.**
 6. **10.04 Screening and Landscaping.**
 7. **10.04 (A) Landscaping Specifics.**
 8. **10.04 (E) Deciduous and Evergreen Trees (details applicable to residential subdivisions as well as Mobile Home Parks.**
 9. **10.04 (G) Maintenance.**
 10. **10.04 (H) Buffer Strips (details applicable to residential subdivisions as well as Mobile Home Parks.)**
- E. Debris and Waste.** No cut trees, timber, debris, rocks, stones, junk, rubbish, or other waste material of any kind shall be buried in any land, or left or deposited on any lot or street at the time of occupancy within a subdivision, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

F. **Fencing**. Each subdivider and/or developer shall be required to furnish and install fences wherever the Commission determines that a hazardous condition may exist. The fences shall be constructed according to standards established by the City/County Engineer or authorized person, and shall be noted as to height and material on the final plat. No Certificate of Occupancy shall be issued until said fence improvements have been duly installed.

G. **Water Bodies and Water Courses**.

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Commission may approve an alternative allocation of interests whereby the ownership of and the responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. Where a water course separates the buildable area of a lot from the street/road to which it has access, provisions shall be made for installation of a culvert or other structure, of design approved by the City/County Engineer, or authorized person.

H. **Performance Bond to Include Lot Improvements**. The performance bond shall include an amount to guarantee completion of all requirements contained in this section of these regulations including, but not limited to , soil preservation, lot drainage, initial lot grading and lawn-grass seeding, removal of debris and waste, fencing, and all other lot improvements required by the Commission. Whether or not a Certificate of Occupancy has been issued, at the expiration of the performance bond, the City/County may enforce the provisions of the bond where compliance with the provisions of this section or any other applicable law, ordinance, or regulation has not occurred. When the lot is sold to the builder/owner, responsibility for finished grading and lawn-grass seeding shall be with the builder/owner.

4.08 Storm Water Drainage.

- A. **General Requirements.** The Commission shall not recommend for approval any subdivision plat which does not provide adequate provision for storm or flood water run-off channels, basins, or improved water drainage systems. The storm water drainage system shall be separate and independent of any sanitary sewer system. A drainage report shall be provided by the Owner/Developer.
- B. **Drainage Report.** The drainage report shall identify the applicable areas of concern and problem areas as listed on the selection matrix contained in the Indiana Handbook for Erosion Control in Developing Areas, October, 1992, as amended, hereinafter referred to as the Erosion Control Handbook said reference document can be found at Agricultural Soil Conservation and Stabilization (A.S.C.S.) office and the Whitley County Planning Department.
1. **Accommodation of Upstream Drainage Area.** A culvert or other drainage facility shall be large enough to accommodate current or existing runoff from the subdivision's entire drainage area, and existing runoff from outside the subdivision. The County Drainage Board or other approved authority shall determine the necessary size of the facility based on the provisions of the required construction standards and specifications assuming conditions of watershed development permitted by the Columbia City Zoning Ordinance, Chapter 8, The Flood Hazard Overlay District, and discussed in H-89-2 Model County Subdivision Regulations, T. W. Patterson, Page 49, Paragraph 4.4 (2) (c). Conditions of the watershed which may affect run-off are subsoil type, positive drainage channels, obstructions, and so forth.
2. **Description of Minor and Major Drainage Systems.** The minor system will usually consist of, but not be limited to, storm sewers, drainage ditches, drainage swales, storm inlets or infiltration structures. The minor system shall be designed to handle a ten (10) year storm. The major system will usually consist of, but is not limited to, roadways, culverts, bridges, and overflow drainage ways. The major system shall be designed to handle a one-hundred (100) year storm. In the report quantities of water flow shall be noted at each pickup

point or culvert. (Reference: Columbia City Zoning Ordinance, 1995, Chapter 8.)

3. **The Location of Existing Sub-Surface Drainage Tiles.**
When developing land for subdivision use, it shall be stated by the Owner/Developer that existing drainage tiles are viable or non-viable. If they are viable, they may be retained. If they are not viable, they shall be sealed and abandoned or removed. The status of the tiles shall be made a matter of record in the plat file.
 4. **Lagoons, Stormwater Ponds, Infiltration Facilities.**
Proposals for the inclusion of lagoons, stormwater ponds, or infiltration facilities shall be prepared by a Registered Professional Engineer and shall include data coordinating field tests with design assumptions and estimates of expected annual maintenance costs, if required by the Columbia City Board of Public Works and Safety.
- C. **Erosion Control.** Any disturbed or graded area shall be protected from erosion in accordance with the Erosion Control Handbook. This may include de-silting or sediment basins, temporary seeding, mulching, and any other provision necessary to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development. Areas of concern as listed on the selection matrix contained in the Erosion Control Handbook shall be addressed and control strategies detailed for providing erosion control. Methods selected to control erosion shall be consistent with the Handbook.
- D. **Retention Ponds.** The Commission may require retention ponds to regulate the flow of the outfall of storm water. Such ponds shall be protected from erosion in accordance with the Erosion Control Handbook. Such ponds shall be designed and constructed to enable adequate access for maintenance. Retention ponds shall be provided with adequate safeguards against mishaps.

E. Nature of Storm Water Facilities.

1. **Location.** The applicant may be required by the Commission to carry away by pipe or open ditch any spring or surface water that may exist, either prior to, or as a result of the subdivision. Such drainage facilities shall be located in street/road right-of-way where feasible, or in perpetual, unobstructed easements of appropriate width, and shall be constructed in accordance with the City/County construction standards and specifications.

2. **Connection to Existing Systems.** Connection to a State drainage system is allowed only with written approval from the Indiana Department of Transportation. Connections to a County legal drain is allowed only with written approval in accordance with the Indiana Code requirements for legal drains. Connection to a County road ditch is allowed only with written approval of the County Engineer. Connection with City facilities shall require written approval of the Columbia City Board of Public Works and Safety.

3. **Accessibility to Public Storm Sewers.**
 - a. When a public storm sewer is accessible, and has the capacity, the applicant shall access the storm water facilities, or if no outlets are adjacent, adequate provision shall be made for the disposal of storm water, subject to the approval of the City/County Engineer or appropriate authority.

However, in subdivisions containing lots less than 10,000 square feet in area and in business and industrial districts, underground storm water sewer systems shall be constructed throughout the subdivision and be conducted into an approved outfall. Inspection of the facilities shall be conducted by the City/County Engineer or appropriate authority.

- b. Alternative methods of storm drainage may be approved by the City/County Engineer.

4. **Effect on Downstream Drainage Areas.** The City/County Engineer or appropriate authority shall determine the effect of each proposed subdivision on existing facilities outside the area of the subdivision. County drainage studies, together with such other studies as may be available and appropriate, shall serve as a guide to needed improvements.

Where it is anticipated that the additional flooding, incidental to the development of the subdivision, will overload an existing downstream drainage facility, the Commission may withhold secondary approval of the subdivision until provision (such as a storage facility) has been made by the Developer.

No subdivision shall be approved unless adequate drainage from it will be provided to an adequate drainage water course or facility as determined by the City/County Engineer or appropriate authority or an independent, qualified engineering consultant with the cost to be borne by the Owner/Developer.

5. **Areas of Poor Drainage.** Areas which are not in the Flood Plain but contain soils which are subject to flooding may be approved for subdivision by the Commission, provided that the subdivider fills the affected area of said subdivision to an elevation sufficient to place building sites and streets two-feet above ponding levels.
6. **Areas of High Seasonal Water Tables.** In areas characterized as having a high seasonal water table as determined by the Whitley County Soil and Water Conservation District, lots shall be limited to slab-type construction unless the Commission determines that appropriate engineering techniques will be applied to alleviate the subsurface problem.
7. **Floodway Areas.** If a subdivision of land is proposed within the Flood Plain, Floodways shall be preserved and not diminished in capacity by filling or obstruction, except as approved, in writing, by the Indiana Department of Natural Resources. No residential building site may be located within the Floodway (See Chapter 8, The Flood Hazard Overlay District of the Zoning Ordinance). (See Figures 8-1, 8-2.)

8. **Floodway Fringe Areas.** Where a subdivision is proposed within an area of the Flood Plain designated as a Floodway Fringe, the Commission may approve such subdivision provided that: all streets are elevated sufficiently to be above the Regulatory Flood Elevation; all lots for residential usage have a Flood Protection Grade two-feet (2') above the Regulatory Flood elevation; where provided, water and sanitary sewer facilities are constructed to eliminate contamination of, or by, flood water; and, approval to fill the area from the Indiana Department of Natural Resources has been obtained in writing.

 9. **Flood Plain Areas.** When a subdivision within an area of the Flood Plain for which Floodway and Floodway Fringe designations have not been made, the Commission shall not approve such subdivision unless all streets are raised sufficiently to be above the Regulatory Flood elevation; all lots for residential usage have a Flood Protection Grade of two-feet (2') above the Regulatory Flood elevation; where provided, public water and sanitary sewer facilities are constructed to eliminate contamination of, or by, flood water; and, filling to achieve the above will not raise the level of the Regulatory Flood Elevation more than one-tenth (1/10) of one (1) foot for that reach of the stream. All filling in the Flood Plain must be approved in writing by the Indiana Department of Natural Resources.

 10. **Recording of Plats in the Flood Plain and Floodway Fringe.** All final plats having within their boundaries areas whose elevation is below that of the Regulatory Flood Plain shall show and label the Regulatory Flood Boundary and elevation, as of the date the final plat is drawn, on the final plat for recording with the County Recorder.
- F. **Natural or Constructed Drainage Watercourse.** When a subdivision is traversed by a drainage course, drainage way, channel, or stream, a storm water drainage right-of-way shall be provided, granted or dedicated to the City/County conforming substantially to the lines of such watercourse, and of such width as will be adequate for the purpose of both drainage and maintenance of the right-of-way. Wherever possible,

it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. The Whitley County Drainage Board by State Statute requires up to 75 feet on either side of a legal drain. For purposes of this ordinance, a minimum of 10-feet of seeded or otherwise stabilized, land shall be planted in the area horizontal to the side-slope of the drainage way. The Drainage Board, which has responsibility for legal drains, shall be consulted in determining other drainage situations.

- G. **Preservation of Low-lying Lands.** Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included for dedication, shall be preserved and retained in their natural state as drainage ways, however, any use of these areas shall be governed by the requirements of Chapter 8, The Flood Hazard Overlay District of the Columbia City Zoning Ordinance.

- H. **Drainage of Lots and Blocks.** Lots and blocks shall be so graded as to eliminate depressions that would accumulate storm water. Grades at building sites shall bear such relationship to roadway and curb grades as to prevent flooding during heavy storms of basement windows or floor levels in the absence of basements. Where deemed necessary, the Commission may require the subdivider to submit working drawings showing contours to which property is to be graded to provide for the requirements of this paragraph.

- I. **Drainage Pipe Selection.** Pipe used for draining shall be of corrugated metal, concrete, or PVC (Poly Vinyl Chloride) of an approved design, size, and strength to meet the requirements of specific conditions which may be encountered. Culverts on existing streets shall be enlarged wherever necessary by reason of diverted or increased concentration of drainage when determined by the City/County Engineer or appropriate authority. Minimum diameters of pipe to be used shall be as follows:

Roadway cross drains	12" minimum
Entrance culverts	12" minimum
Perforated under drains	8" minimum

- J. Storm Sewers and the Rational Method.** Storm sewers shall be designed by the Rational Method. The Rational Method is a means of computing storm drainage flow rates (Q) by use of the formula $Q=CIA$, where "C" is a coefficient describing the physical drainage area; "I" is the rainfall intensity, and "A" is the area. The Rational Method is described in Chapter 3 of the COUNTY STORM DRAINAGE MANUAL by Christopher B. Burke, Project for Indiana Counties and Cities, School of Engineering, Purdue University, West Lafayette, May 1981, hereinafter referred to as "Drainage Manual." A copy of the design computation shall be submitted along with the plans for the storm sewers.

The storm sewer plan requires the approval of the City/County Engineer or appropriate authority.

- K. Street Drainage.** All streets/roads abutting or included within the property to be subdivided shall be provided with drainage systems in accordance with the standards in this Ordinance. Prior to the construction of street or alley surfaces and pavements, adequate drainage facilities shall be designed by the subdivider, prepared by a Registered Professional Engineer and approved by the Columbia City Board of Public Works and Safety and/or the County Engineer. A storm drainage analysis based upon a 10-year rainfall shall be used as the basis for the drainage system. A copy of the analysis shall be submitted to the Commission and City/County Engineer or appropriate authority along with the drainage facility plans.
- L. Shallow Swales.** Where curbs and gutters are not provided in the street, shallow swales with low points at least 12-inches below the subgrade of the pavement may be required by the Commission and/or the Columbia City Board of Public Works and Safety.
- M. As-Built Plans.** Upon completion of the storm sewer improvement, a minimum of two (2) sets of as-built plans and profiles shall be filed with the Commission, or the appropriate authorities.

4.09 Miscellaneous Requirements for Subdivision Approval.

- A. **Subdivisions Crossing Municipal or Jurisdictional Boundaries.** Lots which straddle municipal or jurisdictional boundaries should be avoided wherever practical. If a subdivision is located in more than one jurisdiction, approvals from all plan commissions in affected jurisdictions shall be required. If access to a subdivision is required across land in another jurisdiction, the application shall provide evidence that such access is legally established, and such access shall be permitted only if the City/County Engineer or appropriate authority finds that the access road is adequately improved or a performance bond has been duly executed to assure the construction of the access road.
- B. **Maintenance of Improvements.** Before approving any subdivision, the Commission shall review the improvement plans and shall insure that there are adequate methods to maintain all such improvements. Such improvements include but are not limited to recreation facilities, common open space, private pedestrian ways, private sewer and private water systems, and drainage facilities. Establishment of a lot-owners association with responsibility to set and collect fees for maintenance of facilities may be required by "conditions of approval" by the Plan Commission, and acted upon by the covenants established by the Owner/Developer.
- C. **Off-Site Improvements.** In reviewing an application for approval of a subdivision under this section, the Commission shall consider the adequacy of existing City/County roads and other facilities to serve the proposed subdivision and may require the subdivider to make and pay for improvements deemed necessary by the Commission. In no case shall the City/County be obligated to make improvements for the purpose of making private land suitable for development.
- D. **Oversized Improvements.** The Columbia City Board of Public Works and Safety may require the installation of oversized improvements where it deems such improvements to be in the best interests of the City/County. In the event that such improvements are required, the City/County shall be responsible for the additional cost related to the over-sizing of the required improvements.

4.10 Commercial, Industrial, and Multi-Family Subdivisions

- A. **General.** Any proposed subdivision containing land zoned or otherwise intended to be used for commercial, industrial, or multi-family uses is subject to the design standards contained in this section, in addition to those standards applying to all subdivisions of land.

- B. **Arrangement of Lots and/or Blocks.** Proposed commercial, industrial, multi-family parcels shall be laid out in such a manner as to provide safe access; harmonious arrangements of land uses; separation of different modes of transportation; areas for drainage runoff and, utilities.

- C. **Street to Comply with Usage.** If access will be required for large trucks and/or heavy loads, the Commission may increase the construction and design requirements upon recommendation of the City/County Engineer. Roads serving primarily non-residential traffic, especially truck traffic, shall not normally be extended to the boundary with adjacent tracts used or zoned for residential purposes, nor shall primarily residential roads be used for access to industrial subdivisions. Multi-family dwelling complexes shall be designed so as to discourage vehicular traffic from using streets designed and constructed primarily for single-family residential use.

- D. **Large Development: Commercial, Industrial Tracts.** In large tracts of land for development of commercial and/or industrial development a street across the tract shall be indicated for immediate construction or scheduled construction over a given period of time. When a proposed street is found to be inappropriate for continuation in light of unforeseen developments, changes may be made if approved by the Plan Commission. A peripheral street shall be provided when large parking lots have a customer access street immediately adjacent to the place of business. Said street shall have no less than two (2) traffic lanes and shall be appropriately delineated by ornamental islands described in the off-street parking requirements of the Zoning Ordinance.

- E. **Alleys/Service Drives.** Alleys may be provided in commercial and industrial districts unless provision is made for adequate service access. Alleys may be permitted by the Commission to provide loading and service areas. Such alleys are recommended to have a right-of-way width of at least 30 feet and a pavement width of at least 20 feet. Dead-end alleys should be avoided, but if unavoidable, shall be provided with an adequate turn-around at the closed end, as approved by the Plan Commission.
- F. **Loading Docks and Parking.** Loading docks, truck parking and/or truck turn-around areas shall be designated by the use of signed and pavement markings. These areas shall be separated from parking and access areas used by automobiles or pedestrian traffic. The intent of this provision is to minimize truck parking, standing, or backing on public, or private, streets used primarily to move pedestrian and vehicular traffic.
- G. **Fire Lanes.** Refer to Chapter 94, Fire Prevention Code of the City of Columbia City.
- H. **Parking Lots.** Parking lots shall have a hard, dust-free surface and shall be designed to provide safe, well-defined points of ingress and egress. The Commission may require such physical barriers, pavement markings, signs, and landscaping as it deems necessary to properly channel traffic to designated parking entrances and exits. (See Chapter 10, Off-Street Parking and Loading Requirements, Columbia City Zoning Ordinance.)
- I. **Buffers.** Subdivisions containing land zoned for commercial or multi-family use shall contain landscaped buffer areas at least 20 feet in width along all lot lines abutting land zoned for single-family or two-family residential use. Subdivisions containing land zoned for industrial use shall contain landscaped buffer areas at least 25 feet in width along all lot lines abutting land used or zoned for residential use. The subdivision plans must show the planting details, including the type(s) and height of vegetation and the caliper of trees to be planted. Such landscaped buffer shall be at least 6 feet in height, including mounding and landscaping, and shall consist of materials which will form a dense screen, or an opaque fence shall be constructed to accomplish this purpose. The design and materials of such fence shall be shown on the plans.

J. Drainage. A drainage plan meeting the requirements contained in Paragraph 4.08 shall be submitted. Such system shall be designed so as to minimize the disposal of storm water off-site. Such system shall make maximum use of on-site retention ponds or detention basins to minimize the downstream impact of the drainage from the site.

K. Water and Sewer Facilities. Refer to Section 4.04, Water Services, and 4.06, Sanitary Sewers, in this Ordinance. By reference, Columbia City Code Chapter 51.05, Sewage Disposal Regulated, and 51.06, Private Disposal Facilities Permitted, are a part of this Ordinance.

4.11 Fencing.

Each subdivider and/or developer may be required to furnish and install fences wherever the Commission determines that a hazardous condition, defined as any event involving, or exposing one to risk such as loss or harm, may exist. The fences shall be constructed according to standards established by the City/County Engineer or appropriate official, and shall be noted as to height and material. No Certificate of Occupancy shall be issued until said fence, improvements have been duly installed. If privacy and/or ornamental fences are part of the subdivision amenities, they shall be no more than six (6) to eight (8) feet in height and architecturally compatible with the type of housing scheduled for the subdivision. However, no screening type of fencing or hedging shall exceed three (3) feet in height within fifteen (15) feet of the public highway nor shall it encroach into the front yard of a housing unit. Ornamental fencing, plantings, or rock gardens may be used to define the corners of a lot, however, they shall not impair visibility at intersections of driveway with the street, and street with street. No fencing shall be placed upon a utility easement without appropriate approval.

4.12 Lots.

A. Lot Placement. All lots shall abut on a street or cul-de-sac. Generally, the depth of a residential lot shall not exceed three (3) times the lot frontage. Some deviation from this provision may be permissible for topographical and drainage purposes, but not for the purpose of splitting a large tract into deeper than normal lots so that the provision of streets for proper access to lots can be avoided.

Unusually deep lots, or numerous "pipe stem lots (lots having less than 50 foot frontage, except for those 35 foot frontage on the circumference of the cul-de-sac) shall be discouraged.

- B. Shape of Lot.** Lots shall be designed to provide suitable building sites and related yard areas. Reference is made to Figure 8-1 and 8-2, which illustrates the manner in which buildable area is defined by the topography of the adjacent area, namely, a water body. Generally, the depth-to-width ratio of a lot is 3.0 to 1.0, except when prevailing topographic or other natural conditions would so reduce the portion of the lot that can be used for a building site and accessory purposes as to make the lot unusable. The maximum depth-to-width ratio shall apply to such portion of the lot which is usable for building purposes. The Commission may deviate from these requirements where it seems the proposed shape of the lot is more appropriate to the site conditions. Consideration shall be given not only to topography, but also ponds, wooded areas, natural features, provisions for open spaces, savings on public improvements, and the advisability of a Planned Unit Development (P.U.D.).
- C. Widths and Areas of Lots.** Widths and areas of lots shall not be less than that provided in the City Zoning Ordinance for single family dwellings for the district in which the subdivision is located.
- D. Lot Frontage.** Each lot shall have frontage on a dedicated street or approved access easement. To the fullest extent possible, residential lots shall front on residential subdivision streets in such a manner as to provide neighborhood cohesiveness. Along arterial and collector streets, multiple access points shall be held to a minimum by utilizing common access to cross-easement driveways serving two (2) or more individual lots.
- E. Double Frontage Lots Excluding Corner Lots.** Double frontage lots shall be avoided. Such lots may be approved by the Commission where it is determined that such lots are essential to provide separation of residential development from certain streets such as arterial, collector (feeder), or other similar uses, and where subdivision lots abut commercial or industrial districts. Such lots shall be provided with a landscape buffer area ten (10) feet in depth which will provide a visual screen and prevent vehicular access to one of the two frontages. Particular care shall be made to landscape

the non-access frontage in a visually pleasing manner, and to ensure that the site triangle requirements are complied with. (See Figure 8-3.)

- F. **Corner Lots.** Corner lots shall be sufficiently larger than interior lots to allow maintenance of setback lines on both streets on which the lot abuts. Corner lots of residential subdivisions shall not have direct access to collector or arterial streets/roads.
- G. **Lot Dimensions.** Lot dimensions shall comply with the minimum standards in the Zoning Ordinance. The Commission may require that large lots not served by City Utilities, be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve all such potential resubdivided lots in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to the street lines (or radial to curving street lines) unless a variation from this rule will give better street or lot plan.

Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for all of the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.

Figures 8-3 and 8-4, illustrate a lot and frontage example to visually define the types of lots, and a visual representation of yard areas, setbacks, and right-of-ways, respectively.

- H. **Lot Splits.** A previously platted lot may be divided as a lot split by either metes and bound description or by replat. If said lot is to be divided by metes and bounds description, however, it may be so divided only one time and by only one new dividing lot line, and shall not again be divided without replatting. A lot to be divided more than one time or involving more than one new dividing line shall be considered a replat/subdivision and shall be subject to all procedures set out in this Ordinance. However, lot splits that are transfers to adjoining property owners not creating a new building site are exempt from this requirements. (See Paragraph 3.01 (B) (2), Chapter 3, Page 1)

§ 4.13 Lot Access to Street.

Access for subdivision lots shall meet the standards of this section.

A. General.

Generally, one driveway access shall be permitted per lot in residential subdivisions. Other access arrangements which are allowed, are discussed in §§ 4.13B. through H. of this section, and § 4.15, “Streets; Layouts; Design.”

B. Access to Primary Arterials.

Where a subdivision borders on or contains an existing or proposed primary arterial, the Planning Commission may require that access be limited by one of the following means:

1. The subdivision of the lots so that the rear of the lot backs onto the primary arterial and fronts onto a local street that is parallel to the primary arterial, and screening shall be provided within a strip of land along the rear property line of such lots;
2. A series of cul-de-sacs, or loop street entered from and designed, generally, to be at right angles to an access street that is at some distance from and parallel to the arterial street, with the rear lines of their terminal lots backing onto the arterial; and
3. A marginal access or service road (separated from the primary arterial by a landscaped and/or decoratively fenced grass strip and having access thereto at widely spaced suitable point.)

C. Access to Collector Streets.

Where possible, lots in single-family residential subdivisions fronting on collector streets shall be avoided and lots at the corners of intersections between local and collector streets shall front on the local street and have driveway access to it only and not to the collector street. In multiple-family residential area entrances to group parking lots shall have access only to collector streets (where possible) and such entrances shall be widely separated from each other.

D. Access to Local Streets.

Generally, single- family residences have only one driveway providing access to the local street on which it fronts.

E. Reserve Strips of Land.

The creation of reserve strips of land shall not be permitted adjacent to a proposed street in such a manner as to deny access to the proposed street from adjacent property if such street is a local service street rather than a collector or arterial street.

F. Driveway Access to Arterials or Collectors.

Lots in residential subdivisions shall not in general have access directly from an arterial or collector. Where a subdivision borders on or contains an existing or proposed arterial the Commission may require that access to such streets be limited by one or more of the following means:

1. The subdivision of residential lots so that they back onto the arterial and front onto a parallel subdivision street; no access shall be permitted to the collector or arterial from any lots, and screening may be required in a planting strip inside the rear property line of such lots; (See Figure 8-3)
2. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial;
3. A marginal access or service road, i.e. a perimeter street, separated from the arterial by a planting or grass strip and having access thereto at suitable points, however, marginal access or service roads shall generally be discouraged in residential subdivisions.

G. Minimum External Access.

Street access for a subdivision shall be provided to an adequate (as determined by the Commission) abutting pre-existing street (“perimeter street”) as follows:

1. A subdivision with fewer than forty (40) lots shall have at least one (1) street access onto an adequate perimeter street.

2. A subdivision with forty (40) lots or more shall have at least two (2) street accesses onto adequate perimeter streets. The street accesses may be off of different perimeter streets, or shall be spaced no less than 300 feet from one another on the same perimeter street.
3. A subdivision with two-hundred (200) lots or more warrants at least three (3) street accesses onto adequate perimeter streets. The Commission shall require construction of that third access or an adequate alternate provision, as may be appropriate to the site.
4. Stub streets to adjacent undeveloped property are required but shall not substitute for perimeter street access unless a variance/waiver is granted by the Commission.
5. External access requirements for multi-family and commercial developments shall be determined as part of the Development Plan process.

H. Minimum Internal Access.

No more than forty (40) lots shall gain access to a perimeter street via a single point within a subdivision.

(1980 Code, Ch. 154, § 4.13) (Ord. 2001-4, passed 3-27-2001) (Ord. 2020-31, passed 11-10-2020)

§ 4.14 Blocks.

A. Block Arrangement.

The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development permitted. Block lengths in residential areas shall not exceed 1,600 feet nor be less than 400 feet in length. Wherever practical, blocks along arterial and collector streets shall not be less than 1,000 feet in length. Irregularly shaped blocks may be approved by the Commission if it finds that such a pattern is appropriate to the land to be subdivided and is properly designed.

B. Block Widths.

Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a limited access highway or an arterial street, or a railroad right-of-way, or water course.

C. Pedestrianways/Crosswalks.

In blocks over 1,000 feet in length, the Commission may require at or near the middle of the block a walk connecting adjacent streets. Such improvements are discussed in § 4.24, Open Spaces.

(1980 Code, Ch. 154, § 4.14) (Ord. 2001-4, passed 3-27-2001)

§ 4.15 Streets; Layout; Design.

A. General.

No land shall be subdivided for residential, commercial, or industrial uses until adequate access to the land, over streets or thoroughfares, passable at all times to normal traffic, exists or will be provided by the subdivider. The land shall not be subdivided if the Commission finds it is unsuitable for use by reason of flooding, improper drainage, objectionable earth and rock formations, topography, or other features deemed harmful to the health, and safety of future residents or uses and the community as a whole.

The arrangement and character of all streets and alleys (where permitted) shall be laid out to best serve the public interest of efficiency, safety, and economy. Proposed streets shall be extended to the boundary line(s) of the tract if deemed appropriate by the Commission.

Where streets (and alleys) cross other streets (and alleys) they should intersect at right-angles to each other. The subdivider, or the Commission, may require that the subdivision have more than one point of ingress/egress in the interest of safety and/or convenience.

In residential subdivisions the “gridiron” pattern of street layout should be avoided with preference given to unique design. The overall arrangement of streets shall be compatible with the official Thoroughfare Plan of the city/county and their respective Comprehensive Plans. Residential streets and commercial streets are

discussed in the following paragraphs.

1. **Residential streets detail cross-section.** Collector and local streets are appropriate for residential areas. Arterial streets are inappropriate as they are primarily designed to provide a means of traffic flow between communities. Figures 8-7 and 8-19 illustrate the cross-sections of concrete streets with curb and gutter, green space and sidewalks. The mathematical figures shown on the illustration reflect the measurements required however, the sidewalk has a four-foot minimum width, the green spaces may vary; the curb and gutter type may vary due to configuration; the traveled portion (pavement not curb) between opposing curbing and guttering may vary depending on whether it is a collector or local street; right-of-ways may vary. Reference is made to city minimum design standards § 4.16 A. through 4.16 N. for additional requirements. Slope measurements, concrete psi (pounds per square inch), construction joint and expansion joint specifications and concrete classification are as indicated.
2. **Commercial streets detail cross-section.** The cross-section of a commercial street varies from a residential street in that the sidewalks are immediately adjacent to the curb and gutter of the street as shown in Figure 8-6, Commercial Detail Concrete Pavement Cross-Section with Curb. The figures shown on the illustration do not reflect the measurements required. Reference is made to Columbia City minimum design standards shown in § 4.16 paragraphs A. through N. for the actual measurements required. Slope measurements, concrete psi, construction joint and expansion joint specifications remain as indicated.
3. **Pedestrian, bicyclist, handicap amenities.** Crosswalks/pedestrianways/bicycle paths, shall be placed at street intersections and when desirable, at mid-block. They shall have a minimum width of six feet. A warning sign shall be posted. A pedestrian operated signal light is required at such places when a state highway is affected. Consideration should be given for warning devices at other locations.
4. **Passenger loading zones.** Information relative to passenger loading and unloading areas are discussed in Figure 8-13, Passenger Loading Zones Instructions, and Figure 8-14, Passenger Loading Zone Illustrations. Handicap and bicycle ramps are also

discussed under the heading, Passenger Loading Zones.

5. **Delegation of responsibility for streets and sidewalks.** The Columbia City Street Superintendent, or authorized person, is responsible for construction supervision of streets and sidewalks.

B. Governing Specifications for Streets and Associated Structures.

Governing specifications for streets and associated improvements shall be used in constructing them. Improvements shall be constructed in accordance with Columbia City street design requirements as detailed in subparagraphs 4.16B.1. through 9.

1. Streets, and alleys where provided, shall be completed to the specifications shown on plans, profiles, and cross-sections, provided by the subdivider and prepared by a registered professional engineer and approved by the Commission.
2. The streets shall be graded, surfaced, and improved to the dimensions required by such plans, profiles, and cross sections using the material types referenced in § 4.16, Columbia City Street and Associated Structures Minimum Design Standards. Work performed shall be in conformance with the plans approved with the subdivision plat, and approved by the Columbia City Board of Public Works and Safety.
3. The street or alley shall not be surfaced until the subgrade has been adequately constructed in the manner prescribed and approved by the Columbia City Board of Public Works and Safety.
4. Prior to placing the street or alley surfaces, adequate subsurface drainage for the street shall be provided by the subdivider.
5. Where curbs and gutters are not required, berms shall be provided of stone, asphalt emulsion, or other material approved by the Columbia City Board of Public Works and Safety.
6. If concrete pavement is used, contraction joints must be placed every 20 feet, as well as at every catch basin and manhole, and must extend through any curbing to the full width of the street.

7. Minimum and maximum specifications for street design and associated structure designs for Columbia City are provided in Paragraph 4.16 of this ordinance.
8. Materials specifications for streets and associated structures, as they apply to Columbia City, are provided in Paragraph 4.16 of this ordinance.
9. Streets and roads outside the corporate limits of the city, but within its jurisdictional area, shall be in accordance with the Whitley County Ordinance 0-92-11 dated December 21, 1992, entitled “General and Detailed Specifications for Roads and Streets, Sidewalks, Curbs, Gutters, Drainage Structures, and Other Miscellaneous Items,” and amendments thereto as they relate to streets/roads.

C. Street Plan.

All construction of streets shall be in compliance with the approved engineering plans submitted by the developer. If the project is developed in phases, the development plan for each phase shall be started within two years of secondary approval of a particular phase. If the work has not been started within the two year period specified, it shall be subject to review by the Plan Commission and accomplished in accordance with the current city specifications. Completion of any phase shall be within one year following the initial two-year period allowed for that particular phase.

D. Dedication of Street Right-Of-Way by Plat.

Dedication of street right-of-way by plat shall conform to the City/County Subdivision Control Ordinance and any applicable amendments thereto.

E. New Perimeter Streets.

Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Planning Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within its

own subdivision boundaries.

F. Widening and Realignment of Existing Streets/Roads.

Where a subdivision borders an existing narrow road or when the Master Plan, Official Map, or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at its expense those areas for widening or realignment of those roads. Frontage roads and streets as described above shall be improved and dedicated by these subdivision regulations when the applicant's development activities contribute to the need for the road expansion. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the City Zoning Ordinance whether the land is to be dedicated to the municipality in fee simple or as an easement.

G. Bridges.

Bridges of primary benefit to the applicant, as determined by, and subject to approval by the Plan Commission, shall be constructed at the full expense of the applicant without reimbursement from the city.

H. Street and Alley Location and Arrangement.

1. **Arterial and collector streets.** An arterial street (or road) is designed to handle large volumes of traffic movement. Certain arterial streets may be classed as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties. Such a street may also be referred to as a major street when the rules of access are less stringent.

A collector street/road is designed to handle large volumes of traffic thereby facilitating the collection of traffic from residential streets or other streets of a more local community and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.

Collector streets, intersecting with arterial streets, shall have a right turning lane. The width of the turning lane shall equal the width of one lane of a collector street. Lot frontage on a collector street shall be discouraged in residential areas and curb cuts held to a

minimum in commercial areas. Ingress and egress traffic lanes, separated by a median strip may be used provided the pavement width of each lane is in conformance with standards for abutting traffic lanes of the collector street.

Arterial and collector (or feeder) streets shall be properly related to special traffic generators such as business districts, industrial districts, schools, churches, and shopping centers; to population densities, and to the pattern of existing and proposed land uses.

2. **Access to primary arterials.** Where a subdivision borders on, or contains an existing or proposed primary arterial, the Commission may require that the access to it be limited by one of the following means:
 - a. The subdivision of the lots so that the lot backs onto the primary arterial and fronts onto a parallel local street. No access shall be provided from the primary arterial. Screening shall be provided in a ten-foot strip of land along the rear property line (next to the primary arterial right-of-way line) of such lots;
 - b. A series of cul-de-sacs, of loop streets, entered from, and generally designed to be at right-angles to an access street that is some distance from and parallel to the arterial street, with rear lot lines backing onto the arterial;
 - c. A marginal access or service road having access thereto at widely spaced suitable points of entry/exit. The service road shall be separated from the primary arterial by landscaped screening flora or by a decorative fenced grassed strip.
 - d. The Commission may require that driveways be designed and arranged so as to avoid the necessity for vehicles to back into traffic on arterial or collector streets.
3. **Local and residential streets.** Local and residential streets shall be laid out so as to discourage through traffic in residential areas; and in such a manner as to permit efficient drainage systems. Excessive traffic generators shall not be permitted on minor or local streets.

4. **Existing or proposed stub-streets.** A new subdivision abutting an existing subdivision which has made provision for future traffic circulation by means of one or more stub-streets shall connect with said stub-street(s) in a manner complimentary to the existing stub-street(s). The purpose of a stub-street is to provide for continuation of an existing street or the beginning of a street when future development takes place. Stub streets to undeveloped adjacent land are required, the number and location of which shall be determined by the Director of Community Development and the Executive Director. Regard shall be given to the recommendations of the Comprehensive Plan and the Thoroughfare Plan. A stub street shall be only one block long and should it need to be abandoned, it shall be vacated by appropriate government body.

5. **Cul-de-sacs.** Cul-de-sacs are permanent dead-end streets which are provided with a circular turn-around at the closed end for the convenient reversal of traffic in a safe and convenient manner. Lots facing onto the circular portion of the turn-around shall not have a frontage less than 35 feet. Lot frontages along the straight portion of the cul-de-sac are constrained by the length of the straight portion of the street leading to the turn-around. The total length of the cul-de-sac shall not exceed 600 feet as measured from the centerline of the street from which the cul-de-sac emerges to the imaginary line of the circle which forms the turn-around, therefore, the addition of the diameter of the circle, namely, 120 feet, provides the developer with a total street length of 720 feet. The outside radius of the turn-around at the closed end shall be 60 feet, (the source of the 120 feet previously stated), and an inside radius of not less than 45 feet. See Figure 8-7, Cul-de-sac Turn-Around Plus Distance to Intersection with Street Centerline.

The maximum grade of the turn-around portion of the cul-de-sac shall be 5%. Termination of the cul-de-sac shall not be nearer than five feet from the rear property line. Cul-de-sacs longer than 720 feet, may be granted as a variance at the time of subdivision primary approval.

Temporary cul-de-sacs shall be 80 feet in diameter, and constructed of #73 stone capable of supporting one fire truck.

6. **Street intersections.**

- 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 75 degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least 100 feet therefrom. No more than two streets can intersect at any one point unless specifically approved by the Planning Commission.
- b. Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any existing intersections on the immediately opposite side of such street. Street jogs with centerline offsets of less than 150 feet shall not be permitted, unless approved by the Plan Commission, and except where the intersected street has separated, dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous without jogs. Intersection of major streets shall be at least 800 feet apart. The minimum distance between the centerline of parallel or approximately parallel streets intersecting a cross-street from opposite directions shall be 250 feet unless it is an in-line, cross-street intersection.
- c. Minimum curb radius at the intersection of two local streets shall be at least 20 feet; and minimum curb radius at an intersection involving a collector street shall be at least 25 feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement. Property line corners shall be rounded by a 15-foot arc radius. The sight triangle of § 10.03C. of Chapter 10, City Zoning Ordinance, shall be required.
- d. 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% rate at a distance of 60 feet, measured from the nearest right-of-way line of the intersecting street.
- e. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developers shall cut such ground and/or vegetation (including trees) in connection

with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

- f. The cross-slopes on all streets, including intersections, shall be 3% or less.
 - g. At alley intersections, property line corners shall be rounded by an arc at least ten feet in radius.
 - h. No driveway shall be closer than 50 feet from the intersecting street right-of-way lines, except in the jurisdictional area where the requirement is 75 feet.
7. **Right-of-way.** When a property to be subdivided is located on an existing street, the owners of said property shall dedicate any additional right-of-way necessary to comply with the minimum standards of the Thoroughfare Plan. Where topography design features, or other conditions necessitate additional right-of-way or easements to permit construction of a street to the established standards for such street, the Commission may require dedication of such right-of-way or establishment of such easements.
8. **Alleys.** The Commission may permit alleys in residential, commercial and industrial subdivisions, or planned unit development subdivisions, if it finds that alleys are the best means of serving the subdivision. Such alleys shall have a minimum right-of-way width of 20 feet and a minimum hard surface width of 12 feet.
9. **Half-streets.** Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.
10. **Streets near public institutions.** Streets leading to schools and other public meeting places should be straight so as to give a more direct access from the nearest arterial or major street. When property is located on an existing street, the owners of said property to be subdivided shall dedicate any additional right-of-way necessary to comply with the minimum standards of the Thoroughfare Plans.

11. Railroads and limited access highways. Railroad right-of-ways and limited access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

a. Buffer strip adjacent to railroad right-of-way or limited access highway. In residential districts a buffer strip at least 25 feet in depth in addition to the normal depth of the lot as required in the district in which the lot is located shall be provided adjacent to the railroad or limited access highway right-of-ways. This strip shall be part of the platted lots and shall be designated on the plat with the wording:

“This strip is reserved for screening. The placement of structures hereon other than earth berms, walls, fences, and other landscape screening devices approved by the Planning Commission, is prohibited.”

b. Commercial or industrial sites. In districts zoned for business, commercial, or industrial approximately parallel to a railroad shall, wherever practical, be at sufficient distance therefore to ensure depth for commercial or industrial sites.

c. Railroad crossings. Streets parallel to a railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 50 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach grades.

12. Street arrangement and topography. Where appropriate to the topography, streets shall be arranged so as to provide building sites which are at, or above, the grades of the streets to the maximum practical extent. Grades of streets shall conform as closely as possible to the original topography.

13. Street trenches. All trenches crossing street right-of-ways shall first be coordinated with the appropriate authority of the appropriate street and/or highway department. Such street trenches shall be back-filled and compacted and further improved to the satisfaction of the appropriate authorities.

- 14. Business and industrial district streets.** In business and industrial developments, the streets and other access ways shall be planned in connection with the groupings of buildings; location of railroad or highway facilities; and the position of alleys, truck loading and maneuvering areas, walkways, bikeways and parking areas so as to minimize conflict of movement between vehicular and pedestrian traffic. Consideration shall be given to the provision of a two-lane drive along the periphery of large parking lots. In large shopping areas, cross-easements and coordinated traffic patterns shall be encouraged. The use of common double entrances shall be encouraged for smaller commercial businesses along major or arterial streets.
- 15. Frontage on improved streets.** No subdivision shall be approved unless the area to be subdivided has frontage on and access from an existing street shown on the Official Map, unless such street is:
- a. An existing state, county, or township highway; or
 - b. a street shown upon a plat approved by the Commission and recorded in the office of the County Recorder. Such street or highway must be suitably improved as required by the highway rules, regulations, specifications, or orders; or be secured by a performance bond required under these regulations, with the width and right-of-way required by these regulations, or as indicated on the Official Map or Thoroughfare Plan. Whenever the area to be subdivided is to use an existing street frontage, such street shall be suitably improved at the developer's cost.
- 16. State highways.** If any subdivision or any lot therein abuts a state highway, evidence of compliance with all applicable regulations of the Indiana Department of Transportation shall be required.
- 17. Street names.** No street name in a subdivision shall be given the same name as an existing street in a previously recorded subdivision unless the new street is a direct continuation of the existing street. No street shall be named a descriptive term commonly used in civil engineering, e.g. dead-end, stub, cul-de-sac, etc. Street names shall not closely resemble other street names unless directly related to them, e.g. South Parkway, North Parkway, Azalea Court, Adelia Court, etc., in the city or the county.

18. Street patterns. Rigid rectangular “gridiron” patterns are, generally, to be avoided, and the use of casually curvilinear streets, cul-de-sacs, or loop streets shall be encouraged where such use will result in a more desirable layout and relate better to the existing topography. On flat land, innovative geometrical street patterns shall be encouraged where they are likely to enhance visual interest and a sense of order for those persons using them. An effort shall be made to design the street pattern in such a manner as to facilitate access to a particular address from the entrance to the subdivision. In using these street layouts, allowance shall be made for on-street parking which will not interfere with line-of-sight visibility on streets having potential for greater traffic due to population density and/or close proximity to major or minor arterial streets.

19. Street and alley widths. Minimum design standards for various infrastructure such as streets, alleys, etc., are discussed in §§ 4.16, Columbia City Street and Associated Structure Minimum Design Standards, through 4.17, Construction Inspection for City Streets. These data are to be interpreted as minimum standards; more stringent requirements may be imposed by the Plan Commission in individual cases.

20. Parking. Parking on arterial, collector or local streets shall be in accordance with the requirements as stated in § 4.16E.13.

(1980 Code, Ch. 154, § 4.15) (Ord. 2001-4, passed 3-27-2001) (Ord. 2020-31, passed 11-10-2020)

§ 4.16 Columbia City Street and Associated Structures Minimum Design Standards

A. General.

The width of a city street shall include the pavement (traveled portion) of the street plus the width of the curb and gutter on each side e.g. a local street having a pavement width of twenty-six (26) feet plus the width of each curb and gutter as approved by the Board of Public Works and Safety (B.O.W.) using the type selection from one of those illustrated in Figure 8-8, Residential Detail No. 1, 18” Concrete Curb/Concrete Sidewalk; Figure 8-9, Residential Sidewalk Detail

No. 2, Rolled Curb and Gutter/6"x 6" Concrete Curb and Gutter;
Figure 8-10 Commercial Detail Curbface and Wingwalk.

The Columbia City Board of Public Works and Safety shall also determine the need and/or placement of improvements shown in Figure 8-11 Paraplegic and Bicycle Ramp Detail Example; Figure 8-12, General Sidewalk Detail Example; Figure 8-13, Passenger Loading Zones Instructions; Figure 8-14, Passenger Loading Zone Illustrations.

The rural road shall be measured in like manner using the width of the pavement (traveled portion) of the road plus the width of the berm on each side. The total measurement would be from the back of the berm on one side to the back of the berm on the opposite side.

The subgrade for the curbs and gutters shall be an extension of the compacted base or grade of the pavement(traveled portion) of the street/road.

The street grade shall be as follows: arterial - 4%; collector - 6%; local - 8%; Alley - 10 %; Cul-de-sac - 6% (These percentages are from the existing Ordinance. In no case shall the street surface exceed a street grade of three-and-one half (3 ½) inches."

B. Sidewalks and Greenspaces

1. Spacing between sidewalk and property line - 1'.0".
2. Sidewalk width: Residential - 4'.0"; Commercial - 5'.0".
3. Sidewalk thickness: 4" with wire mesh reinforcement. Thickness varies with location.
4. Sidewalk slope to street 1/4" per foot. Final grade of the sidewalk is to exceed the grade of the greenspace.
5. Distance between transverse joints: 5'.0".
6. Transverse joint depth: 1/2".
7. Distance between expansion joints: 50'.0".
8. Preformed joint filler: 1/2".

9. See Figure 8-12, General Sidewalk Detail.
10. Greenspace (green lawn) on prepared subgrade shall be comprised of 4" top soil.
11. Greenspace (green lawn) between curbing and outer edge of sidewalk shall be variable.
12. Greenspace slope to street: 1/2" per foot.

C. Curb and Gutter.

Construction and configuration details of curbs and gutters are discussed in Paragraph 4.22. Approval of design for them shall be the responsibility of the City Board of Public Works and Safety, the Superintendent of the City Sewer/Street Department, or the City designated consulting firm. See Figures 8-8 through 8-10.

D. STREET/ROAD SPECIFICATIONS CITY RURAL

1. Right-of-way	Arterial	80 ft.	80 ft.
	Collector	70 ft.	70 ft.
	Local	60 ft.	60 ft.
	Alley	20 ft.	
	Cul-de-sac *	60 ft.	(See Figure 8-7)
2. Street/Road Width**	Arterial	48 ft.	56 ft.
	Collector	40 ft.	48 ft.
	Local	30 ft.	32 ft.
	Alley	12 ft.	
	Cul-de-sac	45 ft.	45 ft.
		(Refer to Figure 8-7)	
3. Sight Distance on hills (Minimum)	Arterials	600 ft.	
	Collector	400 ft.	
	Local	200 ft.	
	Alley	100 ft.	
	Cul-de-sac*	200 ft.	

4. Centerline Radius (Minimum)	Arterial	500 ft.
	Collector	300 ft.
	Local	200 ft.
	Alley	100 ft.
	Cul-de-sac*	200 ft.

5. Tangent Between Reverse Curves	Arterial	300 ft.
	Collector	200 ft.
	Local	25 ft.
	Alley	50 ft.
	Cul-de-sac*	25 ft.

6. Angle At Intersection 90 degrees

7. Speed (Design Only)	Arterial	50 MPH
	Collector	45 MPH
	Local	45 MPH
	Alley	
	Cul-de-sac*	

CITY RURAL

8. Bridge Width (Traveled Portion)	Arterial	48 ft.	44 ft.
	Collector	40 ft.	24 ft.
	Local	30 ft.	24 ft.

Sidewalks shall be considered as part of the bridge width.

9. Radius of Curves		CITY	RURAL
	Arterial	500 ft.	
	Collector	300 ft.	
	Local	200 ft.	
	Alley	100 ft.	
	Cul-de-sac	200 ft.	

* See Figure 8-7 Cul-de-sac Turnaround Plus Distance to Intersection with Street Centerline.

**Includes Curb and Gutter (2 ft. each side – City)/Berm (6 ft. each side Rural Arterial and Collector; 3 ft. each side Local.

E. Additional Standards and Comments for all Streets.

1. The street widths for the City streets and for the roads under its jurisdiction have been noted in the Street/Roads Specification tabulation.
2. The slope of the berms shall be $\frac{1}{2}$ inch per foot.
3. The compacted base or grade shall be extended two feet beyond each edge of the proposed pavement (traveled portion) when curb and gutter are to be added. The depth of the stone under the curb and gutter shall be a minimum of 2".
4. Where curbs and gutters are not required, berms shall be provided of stone, asphalt emulsion, or other material approved by the Columbia City Board of Public Works and Safety.
5. The slope of the paved (traveled) portion of the road shall be $\frac{1}{4}$ inch per foot on each side of the crown located at the centerline point of the road.
6. The compacted aggregate base shall extend 1 foot on each side of the binder and surface areas of the road where curb and gutter are not required.
7. A prime coat may be applied to the surface of the compacted aggregate base.
8. The slope of the side ditches shall be of a 3:1 ratio.
9. The pavement cross-slope shall be between $\frac{1}{4}$ inch per foot and $\frac{3}{8}$ inch per foot.
10. The shoulder cross-slope shall be between $\frac{1}{2}$ inch per foot and 1 inch per foot.
11. For all low volume streets less traveled and not having curbs and gutters, 3 feet of the shoulders shall consist of 4" of #73 stone.

12. The right-of-way shall be adequate for construction and maintenance, shoulders, ditches, curbs, gutters, sidewalks, (when required.)
13. Parking shall be restricted to parallel parking on one side of the street at discretion of the Board of Public Works and Safety.
14. When a street connects one collector street with another collector street in a high-density subdivision, it may be considered a collector street rather than a local street and as such, it shall be constructed in accordance with the requirements of a collector street.
15. Cul-de-sac length and other details are to be found in Paragraphs 4.15 (H) (5) and 4.16 (J).
16. Pedestrianways/Crosswalks/Bicycle paths are generally six (6) feet in width with a right-of-way of twelve (12) feet, but the width may be variable as determined by usage e.g. greater width to accommodate greater foot and bicycle traffic or to adjust the width of the sidewalk associated with them.
17. Fire lanes shall be 20 feet or more in width. Refer to Chapter 94, Fire Prevention Code, with particular reference to Clause 94.40, Fire Lanes Established. Fire lanes shall have curves and corners broad enough to permit passage by any fire-fighting equipment owned by the City. The surface of the fire lane shall be an all-weather surface and shall be of sufficient strength to support all fire-fighting apparatus presently used by the City Fire Department.

Fire lanes shall be added, per Chapter 94, on private property used for assembly, commercial, educational, industrial, institutional, or multi-family dwelling purposes, and on private property containing two or more dwellings to which access is provided by private roads or driveways.

Subdivision plans shall show compliance with the referenced ordinances unless there is no location where a fire lane is required under the terms of the ordinance for fire lanes.

All plans for fire lanes and fire hydrants shall be referred to the City/Township Fire Chief for examination. The Fire Chief shall report to the Planning Commission indicating whether or not the proposal complies with the City's Fire Prevention Code.

Fire hydrants shall be located 500 feet from each other. Locations other than specified e.g. commercial or industrial complexes shall be as directed by the Fire Chief.

18. Right turn lanes shall be provided on all collector streets exiting onto a more heavily traveled street such as an arterial street. Where deemed advisable for the safe and efficient movement of traffic, they shall be provided for left turn onto more heavily traveled streets. All turn lanes are subject to State and Federal approval when appropriate.

F. Arterial Streets/Columbia City.

An arterial street interconnects with expressways providing a continuous high priority network which primarily serves regional and inter-city traffic. The following data comprise the minimum, unless otherwise stated.

1. **Construction Material For Arterial Streets:**
 - a. Rigid concrete - 8 inch 3500 or 4000 psi concrete mix; 3 inch #73 stone.
 - b. Full depth asphalt - 11 inches.
 - c. Base plus flexible asphalt - 2 inch asphaltic top, 5 inch hot asphaltic base; 6 inch #73 stone; 8 inch #2 stone.

G. Collector Streets/Columbia City.

A collector street provides for the flow of traffic from neighborhood street systems (minor collectors and local streets) to the arterial street system, generally accommodating a moderate service level and traffic volume. The following data comprise the minimum, unless otherwise stated. For purposes of this ordinance, a collector

street shall be considered an industrial or sub-collector street unless otherwise determined by the Columbia City Board of Public Works and Safety or the Superintendent of the City Street Department.

1. Construction Material for Collector Streets:

- a. Rigid concrete - 7 inch 3500 or 4000 psi concrete mix; 3 inch #73 stone.
- b. Full depth asphalt - 9 inches.
- c. Base plus flexible asphalt - 1 inch hot asphaltic top; 3-inch hot asphaltic base; 4 inch #73 stone; 6 inch #2 stone.

H. Local Streets/Columbia City.

A local street is a residential street designed to provide access to adjacent property and to conduct traffic from low volume streets to an activity center or higher classification street. The following data comprise the minimum, unless otherwise stated. For purposes of this Ordinance, a local street is a low volume street or a local street which forms a part of a boulevard, unless otherwise determined by the Columbia City Board of Public Works and Safety, or the Superintendent of the City Street Department.

1. Construction Material for Local Streets:

- a. Rigid concrete - 6 inch 3500 or 4000 psi concrete mix; 3 inch #73 stone.
- b. Full depth asphalt - 7-inches.
- c. Base plus flexible asphalt - 1 inch hot asphaltic top; 3 inch hot asphaltic base; 2 inch #73 stone; 6 inch #2 stone.

I. Alley/Columbia City.

An alley or service drive is provided to facilitate access to businesses/houses without interference with normal street traffic. The following data comprise the minimum, unless otherwise stated, design standards for alleys/service driveways. See also Paragraph 4.15 (H) (8).

1. Construction Materials for alleys/service driveways:

- a. Rigid concrete - 5-1/2 inch 3500 or 4000 psi concrete mix; 3 inch #73 stone.
- b. Full depth asphalt - 7 inches.
- c. Base plus flexible asphalt - 1 inch hot asphaltic top; 3 inch hot asphaltic base; 2 inch #73 stone; 6 inch #2 stone.

J. Cul-De-Sac/Columbia City.

A cul-de-sac is a street having access to only one street and is provided with a turn-around at the end opposite the entrance to it. A cul-de-sac shall be constructed of the same material as used for the street from which it emerges. See also 4.15 (H) (5).

1. Construction Materials for cul-de-sacs:

- a. Rigid concrete - 7 inch 3500 or 4000 psi concrete mix; 3 inch #73 stone.
- b. Full depth asphalt - 9 inches.
- c. Base plus flexible asphalt - 1 inch hot asphaltic top; 3 inches hot asphaltic base; 2 inches #73 stone; 6 inches #2 stone.

K. Private Streets.

Private streets/roads/drives shall be constructed of the same material and standards as required by the Columbia City Board of Public Works and Safety for local streets.

L. Pedestrianways/Crosswalks.

Pedestrianways/Crosswalks not associated with a street shall be constructed of the same material as for sidewalks.

M. Bicycle Pathways.

Bicycle pathways shall be constructed of 3500 or 4000 psi concrete mix with 4" concrete on 2" #53 stone base, or 2 ¾" asphalt surface on 3" #53 stone and 3" #2 stone base.

N. Driveway Approach from Street.

Driveway approaches from the street to the internal driveway located on the property shall be made of Portland cement concrete having a psi of 3500 or 4000 psi. The approach shall have a well compacted base of #73 stone, and a concrete thickness of 6 inches, reinforced with re-rods or wire mesh.

The concrete thickness of a private drive, as differentiated from the driveway approach, shall be 4 inches thick.

4.17 Construction Inspection for City Streets.

All street construction (City, County, State) is subject to the following conditions or the appropriate authority:

- A. Engineering Plan Approval.** Work shall not be started until engineering plans have been approved by all agencies having jurisdiction over the phase of construction;

- B. Highway Authority Authorization.** The developer, owner, or authorized representative shall notify the proper highway authority at the following stages of construction:
1. At the completion of all subgrades for concrete streets (the subgrade may be considered bare soil or the compact #73 stone leveling course.) For deep lift asphalt, the subgrade may consist of bare soil
 2. The anticipated time of the application of any materials.
 3. At the completion of the placing of the compacted #73 stone base and immediately prior to placing bituminous materials.
- C. Advance Notice of Construction.** The period of notice prior to the anticipated time of application of any materials shall not be less than forty-eight (48) hours or more than ten (10) days.
- D. Highway Engineer Obligation.** The highway engineer shall not be obligated to accept any work which is not in compliance with the above inspection policy and the department has been satisfied that all affected work and construction conforms to the approved engineering plans and to these specifications. Non-compliance may also result in extended maintenance bonds on affected construction or other requirements as may be determined by the highway engineer or the respective City/County authorities.
- E. Acceptance of Work.** No Department nor any affected agency shall be obligated to accept any work started prior to approval of the engineering plans or any work which is not in accordance with the approved engineering plans and these specifications.
- F. Material Testing.** Any testing of materials required by the highway engineer shall be performed by an independent testing laboratory at the developer's expense. The highway engineer or authorized, qualified person may retain the right to perform the tests.

4.18 Whitley County Roads Minimum Design Standards.

Reference is made to Whitley County Ordinance 0-92-11 dated December 1, 1992 entitled "General and Detailed Specifications for Roads and Streets, Sidewalks, Curbs, Drainage, Structures, and other Miscellaneous Items; Whitley County Highway Department, Columbia City, Indiana as amended." Said Ordinance is in effect outside the corporate limits of Columbia City, Indiana unless otherwise stated.

4.19 Traffic Control Signage/Street Address Signs.

The developer shall provide the subdivision with acceptable City or County traffic control street signs at the intersections of all streets (roads). The following are subject to current State, Federal, and City specifications:

- A. **State and Federal Specifications.** Signs must meet current City, State and Federal Specifications for size, shape, construction and placement.
- B. **Sign Material.** Signs must be constructed of 0.08" minimum thickness aluminum;
- C. **Sign Faces.** Sign faces must be reflective material and clear-coated for protection.
 - 1. Stop signs must be high-intensity reflective material.
 - 2. All other traffic control signs must be engineer grade reflective material.
 - 3. Any traffic control sign shall be in conformance with the size and configuration of its corresponding use as defined by the State of Indiana e.g. "Stop", "Yield", "School Zone", "Warning", as may be appropriate usage within the new subdivision.
- D. **Sign Posts.** Stop sign posts shall be of 3-pound per foot minimum strength, green U-channel configuration and four (4) feet in length. All other sign posts shall use 2-pound per foot (minimum) strength, green U-channel configuration and four (4) feet in length.
- E. **Sign Hardware.** All fasteners for signs shall be aluminum "pop" rivets unless otherwise authorized.

- F. **Street Name Sign Size.** Street name signs shall be of extruded aluminum six (6) inches by thirty (30) inches in size. They shall have four (4) inch high white letters against a green reflective background. On streets having a speed limit of 30 mph or more, street name signs shall be nine (9) inches by thirty (30) inches, and have six (6) inch high letters. A waiver may be granted on some of these specifications.
- G. **Street Address Signs.** Street address signs shall be prominently displayed on the face of all buildings. The minimum height of the numbers shall be three (3) inches.

All buildings which are located on an alley or service road to the rear of the property shall have a duplicate street address number prominently displayed on the face of the building. The minimum height of the numbers shall be three (3) inches.

4.20 **Street Lights**

Street lights are required along all streets in subdivisions within the corporate limits of the City of Columbia City.

This requirement shall be construed to permit the installation of street lights in subdivisions in the City's Jurisdictional Area. A homeowners association shall be responsible for the maintenance of the lights until such time as the subdivision is annexed to the City at which time the responsibility is transferred to the City.

Installation of the street lights shall conform to the requirements of the Columbia City Board of Public Works and Safety. The subdivider shall provide the street lights. The City shall install the street lights.

4.21 **Sidewalks/Pedestrianways/Driveway Approaches/Private Streets.**

- A. **Sidewalks.** Sidewalks shall be constructed on both sides of all public streets.
1. **Residential Sidewalks.** Residential sidewalks shall be constructed as illustration for a concrete sidewalk. A green space may be provided between the curbing and the front face (side nearest the curb) of the sidewalk and a one (1) foot or more space which shall be provided between the back of the sidewalk and the property line as shown in Figure 8-11, General Sidewalk Detail.

The minimum width of residential subdivision sidewalks shall be four (4) feet, ½ inch deep construction and expansion joints, and wire mesh reinforcement requirements are indicated in Figure 8-11 General Sidewalk Detail. Concrete used in the construction of the sidewalks shall be a minimum of 3500 psi mix.

2. **Commercial District Sidewalks** **Figure 8-10, Commercial Detail Curbface Walks and Wingwalk**, describes the requirements of commercial areas. The minimum width of sidewalks in a commercial area shall be five (5) feet. Re-rods or wire mesh shall be used as reinforcement materials. Concrete used in the construction of the sidewalk and curb shall be a minimum of 3500 psi mix.
3. If sidewalks are not provided, the street grade shall be completed so that additional grading will not be necessary for any future provision of sidewalks.

B. Additional Considerations for Sidewalks.

1. Sidewalks shall be provided on both sides of a public, or private, bridge where a sidewalk or sidewalks exist entering onto the bridge. All new bridges shall have either one (1) or two (2) sidewalks for the convenience, safety and welfare of pedestrians.
2. Curb ramps shall be provided at all intersections of sidewalks with the corners of the block, crosswalks, pedestrianways and at other locations deemed necessary by the Commission.

For details of construction refer to Figure 8-12, Typical Curb Ramp Detail, and Figure 8-13, Typical Intersection Curb Ramp Detail. Detectable Warning Surface as shown in the Figures are required. Consult with the City Street Superintendent for specific construction details.

3. New sidewalks shall be extensions of existing sidewalks when a new subdivision is adjacent to an existing community which has sidewalks.
4. For additional information relative to the care and maintenance of sidewalks refer to Columbia City Code Chapter 97, Paragraphs 97.10 through 97.28 as amended.
5. The Commission may waive the provision for sidewalks for good cause.

C. **Crosswalks/Pedestrianways/Bicycle Paths** shall be placed at street intersection and, when desirable at mid-block. They shall have a minimum width of six (6) feet. A warning sign shall be posted. A pedestrian operated signal light is required at such places when a State Highway is affected. Consideration should be given for warning devices at other potentially dangerous locations as designated by the Board of Public Works and Safety.

D. **Driveway Approach/Driveway Surface Drainage.**

Driveway construction regulations shall be as indicated in City Ordinance specifications referenced in Paragraph 97.20 (Page 33, Ordinance for streets and sidewalks.) Driveways shall be constructed so as not to impede the surface drainage system.

E. **Applicability to Private Streets.**

The Columbia City Board of Public Works and Safety or the County Board of Commissioners recognizes that there are justifiable reasons for inclusion of privately maintained streets in new subdivisions such as privacy and security. The Columbia City Board of Public Works and Safety and the County Board of Commissioners also recognize that the inclusion of privately maintained streets in new subdivisions for the purpose of evading the respective road specifications is not a justifiable reason for such purposes, therefore all streets proposed to be privately maintained shall be required to meet the same specifications, requirements and procedures required by this Ordinance for publicly maintained streets during the construction and through the required maintenance period.

4.22 Curb and Gutter For City and Jurisdictional Area.

A. **City Curb and Gutter.**

All streets shall be provided with curbs and gutters within the corporate limits of the City of Columbia City, and shall be constructed as specified in Paragraph 4.16.

B. **Rural Curb and Gutter**

Curbs and gutters within the Jurisdictional Area shall be required if the subdivision is contiguous with the corporate limits, or is adjacent to, or between, subdivisions which are provided with curbs and gutters.

C. Lot Size Considerations.

Curbs and gutters are not required if the lots are greater than 80,000 square feet or 1.837 acres in area, and storm water drainage is adequately provided for by means of ditches, culverts, as detailed in Paragraph 4.08, Storm Water Drainage.

D. Curb and Gutter Specifications.

Plans for the installation of curbs and gutters shall be approved by the City Engineer or appropriate authority. Said plans shall be designed by a licensed civil engineer. The curbs and gutters shall be constructed according to the following specifications:

1. The base for the curb and gutter shall be well compacted on the existing base or grade of the street associated with them and shall be on each side of the pavement (traveled portion) of the street.
2. The minimum specifications shall be as shown in Figures 8-8 through 8-10.
3. All concrete used in the curb and gutter shall be either 3500 or 4000 psi concrete mix.
4. The Planning Commission may waive the provision for curbs and gutters for good cause.

The waiver request applies only to minor streets internal to the subdivision and does not include existing arterial or collector streets or extensions of the same where curb and gutter exist or have been planned for installation.

5. Plans must be approved by the Columbia City Board of Public Works and Safety or appropriate authority.
6. These guidelines must be met in order to request a waiver, and are NOT criteria, which if met, denote automatic approval. Approval of the waiver shall be considered a completely discretionary decision on the part of the Commission and shall be noted on the recorded final plat.

7. Where curbs and gutters are not required, the subdivider shall provide one of the types of improvements discussed in Paragraph 4.23 (C) (2), and the requirements of Figure 8-5 shall be followed.

4.23

Easements for Utilities, Access, Drainage

- A. Access Easements. The width of an access easement to a lot or tract of land shall be at least 50 feet.
- B. Easements for Public Services. Each lot in a subdivision shall have an easement(s) for sanitary sewers, storm water sewers, potable water lines, public utilities such as electrical, gas, telephone, and cable television (CATV).
 1. The easement shall be a minimum twenty (20) feet in width with the common lot line dividing the easement equally between the two (2) properties. Where the easement merges into the main easement along a street or a non-developed area the total twenty (20) foot width easement shall be along the lot line adjacent to the street or non-developed area.
 2. Easements shall run along the rear lot lines unless approval has been given for another location.
 3. Easements shall be aligned to provide a continuous straight strip; easements in new subdivisions shall align with existing easements.
 4. Every plat shall contain a statement as follows: " All utility and drainage easements as dedicated on the face of this plat shall be kept free of all permanent structures and the removal of any obstructions by a utility company shall in no way obligate the utility company in damages or to restore the obstruction to its original form."
 5. Under no circumstances shall trees or shrubbery be planted within the easement area.
 6. Easements for all utility lines and other facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat and on the final plat.

7. The developer shall provide the buyer of the property with a copy of the layout of the lot showing and describing the easements.
8. When topographical or other conditions are such that the placement of utilities along the rear lot line are impractical, perpetual unobstructed easements having a minimum width of twenty (20) feet shall be provided along the side lot lines with satisfactory access to the road and/or rear lot line.
9. Any deviations from these requirements shall be with the written approval of the appropriate authority.
10. All utility lines, including but not limited to gas, electric power, telephone and CATV cables shall be located underground throughout the subdivision subject to the granting of a waiver by the Plan Commission.

C. Storm Water Drainage, Easements.

1. The subdivider shall provide the subdivision with an adequate storm water system whenever curb and gutter are installed and whenever the evidence available to the Commission indicates that the natural surface drainage is inadequate. This system must empty either into the City storm sewer system or into another legal drain. When the surface drainage is adequate, easements for such surface drainage shall be provided. Deep open ditches for drainage are not permitted in the street, but where curb and gutter are not provided, a shallow swale with its low point at least 3 inches below the elevation of the subgrade of the pavement may be permitted.
2. In a subdivision where curb and gutter are not provided, the subdivider shall furnish one of the following types of improvements to facilitate roadside drainage and to assure suitable entrances for private driveways which are proposed to intersect the roadway:

- a. A corrugated pipe, at least 12 inches in diameter, and with a length equal to the width of the driveway, with at least two (2) feet of extension on each side, with flared end sections to be placed where required.
 3. For a subdivision within the City Corporate Limits, the proposed storm drainage system shall first be approved by the Columbia City Board of Public Works and Safety, or engineering firm representing the City and shall meet City standards for subsurface storm water drainage. All engineering costs shall be borne by the subdivider.
 4. In no case shall water from the storm sewer system empty into the sanitary sewer system, nor should sewage from the sanitary sewer system empty into the storm sewer system.
- D. **Alley Easement Alternative.** Where alleys are not provided in commercial areas, easements for public services (utilities etc.) shall be provided. Such easements shall have minimum widths of 20 feet, and where located along lot lines one-half (1/2) of the width shall be taken from each lot. Before determining the location of such easements, the subdivider shall consult with the appropriate agency(s).
- E. **Cross-Easement Agreements.** Where adjacent property owners have common traffic arrangements between adjoining lots, each of the owners shall have responsibility for reaching an agreement for common usage of the area involved with maintenance, and general upkeep for that portion of the common use area serving their respective lots. Where possible, parking areas shall be designed so as to minimize the requirement for vehicles to back into through traffic internal to the property or the traffic lanes of collector streets and/or arterials. A common through-traffic lane(s) along the border of each lot sharing a common parking area and furthest from the entrance(s) to buildings, shall be provided.
- F. **Legal Drain Easements.** Maintenance easements along legal drains shall be provided in consultation with the Drainage Board of Whitley County and in accordance with the Indiana Code on Legal Drains. Where appropriate, the Commission shall require maintenance easements not specified by governmental authority, if deemed appropriate for the specific area. These easements shall not be

less than 75 feet on each side of the legal drain unless waived by the Whitley County Drainage Board.

- G. **Farm Tile Easements.** Where there are farm tiles which are to remain on property proposed for subdivision, an easement of at least 20 feet in width shall be provided for the protection and maintenance of such tiles. The Commission may require larger easements when it deems such larger easement is necessary.
- H. **Farm Access Easements.** All parcels, including agricultural property, shall have legal access meeting the minimum standards of this ordinance. In addition to the legal access, access easements at least 25 feet in width for farm machinery and other agricultural purposes, may be provided.
- I. **Construction Access Easement.** While construction is on-going, a temporary access may be provided for entry on to the property being subdivided. Environmental debris shall be held to a minimum. At the completion of construction activity, any temporary access easement shall be eliminated.
- J. **Street Tree Maintenance Easement.** The local government has the right to plant trees within the street right-of-way bordering the lot line of the property adjacent to the street. Maintenance and removal of the street trees, if necessary, shall be the responsibility of the local government.

4.24 **Open Space**

- A. If a proposed development will include at least 40 units (in one phase or a combination of phases), the subdivider shall be required to plat a minimum of one (1) acre of open space for each forty (40) dwelling units to be constructed when the gross density of such development is 3 dwelling units per acre or greater. A dwelling unit shall be defined as a single-family home, condominium unit, apartment/rental unit, or villaminium unit, or a duplex rental unit.

The subdivider shall permanently dedicate the aforementioned open space acreage for recreational purposes. The land may be deeded by the subdivider to the City of Columbia City, if accepted by the City and the Park Board, or to a duly organized homeowner's association

within the subdivision. The Plan Commission shall have final approval as to the use and location of dedicated open space.

- B. Pedestrianway/Crosswalks.** Pedestrianways/crosswalks shall be considered "open space." In blocks over 1000 feet in length, pedestrianways or crosswalks, such walks shall be required, such walks shall have at least twelve (12) feet width/right-of-way. Said pedestrianways at other appropriate places and at the end of cul-de-sacs may be required by the Commission when it deems such ways are desirable so as to provide for pedestrian/bicycle circulation or access to neighboring uses. Pedestrianway/Crosswalks independent of an existing street or road shall be constructed as required for a sidewalk. (Refer also to Paragraph 4.21 (A).

In determining whether pedestrianways are required, the Commission shall consider methods of maintaining such ways and their usefulness in providing access to any open spaces, water areas, recreation areas, schools, churches, and other surrounding uses. Pedestrianways shall be perpetual, unobstructed easements. Maintenance may be assigned to the developer, a home owners association or dedicated to the City. The landscaping material depicted upon the approved plat shall be considered a binding element of the project.

- C. Natural Feature Preservation.** 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 may be incorporated into dedicated open space.
- D. Open Space Layout and Landscaping.** Easements, crosswalks, and road frontage to provide public access to the open space shall be shown on the Secondary Plat. The landscaping materials depicted upon the approved plat shall be considered a binding element of the project. Plant material which exhibits evidence of insect pests, disease, and/or damage shall be removed and replaced within the next growing season. This maintenance responsibility shall rest with the developer and subsequent owners for the duration of the subdivision.

- E. **Conservation Areas.** Land within a proposed subdivision which is located in a Flood Plain and/or Flood Fringe Area as described in Paragraph 4.08 (E) (8 and 9) of this Ordinance may be referred to as Conservation Areas and considered in the Open Space category; such land may be treated in the manner described above in Subparagraph 4.24 (D).

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End of Chapter 4

CHAPTER 5
ASSURANCE FOR COMPLETION AND MAINTENANCE OF
IMPROVEMENTS

5.01 **Performance Guarantees.** Before any secondary plat is approved and affixed with the Commission seal, the subdivider shall construct all streets and other required improvements in accordance with the approved construction plans, or the subdivider shall provide a guarantee of performance as specified in this Section. The performance guarantee shall include an amount to guarantee completion of all public facility and all other requirements contained in this Ordinance including, but not limited to, soil preservation, final grading, lot drainage, erosion and detention seeding, removal of debris and waste, fencing, and all other lot improvements required by the Commission.

- A.** All performance guarantees must be acceptable to and be approved by the Board of Public Works and Safety/Board of County Commissioners, and shall be in such form, sufficiency and manner of execution satisfactory to the City/County Attorney.
- B.** If the subdivision is in phases, the Board of Public Works and Safety/Board of County Commissioners may require that the performance guarantee be in such amount as is necessary for each phase filed for secondary approval and may defer guarantees for the remaining phases of the plat until they are offered for approval. However, in the establishment of performance guarantees, overall subdivision improvements must be considered and any improvements which are necessary for more than one phase must be constructed or guaranteed at the time of approval of the first applicable phase.
- C.** In order to obtain secondary approval it is permissible for the subdivider to construct part of the improvements and guarantee the remaining part of the improvements, if approved by the Board of Public Works and Safety/Board of County Commissioners.
- D.** Performance guarantees may consist of any of the following:
 - 1.** The subdivider may post a performance bond payable to the City/County in an amount equivalent to 120 percent of the estimated cost of completion of all required improvements.

Such estimate shall be prepared by the subdivider and reviewed by the City/County Engineer or appropriate body who shall recommend the amount of guarantee to the Board of Public Works and Safety/Board of County Commissioners. Such performance bond shall comply with all statutory requirements and the Board of Public Works and Safety/Board of County Commissioners may request information on the bonding company and may deny a performance bond if necessary.

2. The subdivider may submit a certificate of deposit or certified check made out to the City/County and/or the subdivider, to be held by the City Clerk-Treasurer/County Auditor, in an amount equivalent to 120 percent of the estimated cost of the required improvements. Such estimate shall be prepared by the City/County Engineer or appropriate body. If the subdivider is named singly or jointly on such certificate or check, then the subdivider shall endorse it before submitting it to the City/County so that the City/County may secure the funds. If other than escrow account is used, the subdivider shall receive any interest accrued on funds provided under the terms of this section.
3. The subdivider may submit irrevocable letters of credit in behalf of the subdivider and securable by the City/County in an amount equivalent to 120 percent of the estimated cost of completion of the uncompleted portion of required improvements. In the event an irrevocable letter of credit is utilized it shall be written for a maximum length of 2 years and the Executive Director, 2 months prior to the expiration of the letter of credit, shall determine if the public improvements have been accepted for maintenance by the City/County and if they have not been accepted shall so notify the subdivider of intent to secure the funds and then commence procedures to secure the funds pledged by such letter of credit.

4. The Board of Public Works and Safety /Board of County Commissioners may, at its discretion, accept another financial guarantee which the Board of Public Works and Safety/Board of County Commissioners deems appropriate to accomplish the objectives of this Ordinance.
- E. Any performance guarantee submitted under this Section shall be for a period not to exceed two years. The Board of Public Works and Safety/Board of County Commissioners may grant an extension of up to one year for the completion of improvements, upon evidence that such extension is justified. Before granting an extension, the Board of Public Works and Safety/County Commissioners shall secure a new estimate of the cost of the improvements from the City/County Engineer, or appropriate body, and if the estimate has increased, the Board of Public Works and Safety/County Commissioners shall require an increase in the amount of the guarantee.
- F. The performance guarantee shall be released or allowed to expire by the Board of Public Works and Safety/Board of County Commissioners only upon certification that all required improvements have been installed satisfactorily by the certifying professional engineer or land surveyor and improvements accepted. The Board of Public Works and Safety/Board of County Commissioners may, at its discretion, approve a partial release of the financial guarantee upon certification that a portion of the improvements has been completed satisfactorily. The City/County Engineer or appropriate body shall provide an estimate of the cost of the remaining improvements, and a guarantee sufficient to cover such cost shall be retained by the City/County.
- G. For subdivisions for which no performance guarantee has been posted, if the required improvements are not completed within the period of validity of the subdivision approval, the approval shall be deemed to have expired. In those cases where a performance guarantee has been posted and the improvements have not been installed prior to the expiration of the guarantee, the Board of Public Works and Safety/Board of County Commissioners shall declare the guarantee to be in default and cause all improvements to be installed

according to the approved plans, regardless of the extent of building development at the time the guarantee is declared to be in default. The Board of Public Works and Safety/County Commissioners may grant an extension.

- H. The subdivider shall build and pay for all costs of any temporary public improvements required by the Commission and shall maintain same for the period specified by the Commission. Prior to construction of any temporary public facility of improvement, the subdivider shall file with the Board of Public Works and Safety a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained, and removed.

5.02 Inspection. All installations and improvements required under the terms of this Ordinance shall be inspected by appropriate City and/or County officials during and after construction. In no case shall work be commenced without specific approval to do so from the City/County Engineer or appropriate body. The City/County shall not be obligated to accept any work which has not been inspected as required by this Section, nor shall it accept any work not completed in conformance with the approved plans and specifications.

- A. At least 48 hours before commencing any improvements or installations shown on the approved plans of a subdivision, the subdivider shall notify the City/County Engineer, or appropriate body. The City/County Engineer, or appropriate body, shall inspect all work during and after construction. If the construction ceases at any time for more than one week, such 48 hour notice shall again be required before resumption of construction.
- B. The City/County Engineer or appropriate body shall have authority over the project as necessary to ensure compliance with the approved plans and specifications. This authority includes the right to order work to be suspended for due cause. Due cause includes but is not limited to questionable materials, questionable methods of construction, noncompliance with the approved plans and specifications, and adverse weather conditions.

- C. In the event that work is commenced without the required inspection and approval, the City/County Engineer, or appropriate body, the Executive Director, or any other person designated by the Board of Works may require that work be suspended until such inspection has been made and approval given.
- D. Any remedial work determined by the City/County Engineer or appropriate body to be necessary before the improvements are accepted by the Board of Public Works and Safety/Board of County Commissioners shall be done by the subdivider at his expense.

5.03 Maintenance Guarantees. As a condition of acceptance of the public improvements or release of the performance guarantee, the Board of Public Works and Safety/Board of County Commissioners shall require the subdivider to post a maintenance bond or other financial guarantee as specified in Section 5.01 (D) in an amount equal to 25 percent of the cost of street and curb improvements.

A. The maintenance guarantee shall be for a period of three years.

5.04 As-Built Plans. After completion of all public improvements and prior to their acceptance by the Board of Public Works and Safety/Board of County Commissioners, the subdivider shall provide the Executive Director one copy of drawings showing the actual locations and specifications of all improvements installed in the subdivision. The as-built drawings shall be certified by a land surveyor or engineer licensed in Indiana.

5.05 Acceptance of Improvements and Dedications. Upon completion of construction whether before or after secondary approval, the subdivider may file a written request to the Board of Public Works and Safety/Board of County Commissioners for acceptance of all public improvements and other land dedications.

A. A request for acceptance of public improvements and dedications shall contain the certification required by Section 5.01 (F) and the as-built plans required by Section 5.04.

- B.** The Board of Public Works and Safety/Board of County Commissioners shall refer a request for acceptance of public improvements and dedications to the Executive Director who shall make a recommendation to the Board of Public Works and Safety/Board of County Commissioners based upon Department Rules and the City/County Engineer's or appropriate body's report.
- C.** After receiving the recommendation of the Executive Director, the Board of Public Works and Safety/Board of County Commissioners shall decide whether to accept the improvements and dedications. Any refusal to accept the improvements and dedications shall be accompanied by findings as to the reasons. The Board of Public Works and Safety/Board of County Commissioners shall not accept the improvements until it has received the maintenance bond required in Section 5.03.

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CHAPTER 6

LAND RE-ADJUSTMENT

6.01 Resubdivision of Land.

A. Procedure for Resubdivision. Whenever a developer desires to resubdivide an already approved final subdivision plat, the developer shall first obtain approval for the resubdivision by the same procedures prescribed for the subdivision of land.

B. Resubdivision Does Not Include the Following:

Any resubdivision of a recorded secondary plat approved pursuant to this Ordinance which involves only the changing of the notations written on the plat or correction of errors thereon, which involves only the removal, location, or relocation of easements on the property, or which involves only the removal or relocation of interior lot or parcel lines provided the outside perimeter of the property remains unchanged and that the same or fewer parcels result than were contained in the original plat. (See also Chapter 3)

Any resubdivision of a previously approved and recorded secondary plat for a non-residential subdivision which involves adding of interior lot lines to create smaller lots provided the outside perimeter of the property remains unchanged, and that streets and other public improvements are not changed. The process shall be as specified in Chapter 3.01 (D.) 4.

6.02 Vacation of a Platted Area:

The owners of land in a plat may vacate all or part of that plat as specified in I.C.36-7-3 and this Section. All the owners of land to be vacated in the plat must declare the plat or part of the plat to be vacated in a written instrument, and that instrument must be executed, acknowledged, and recorded in the same manner as a deed to land.

A. Before offering the instrument for recording under this section, an owner must file a copy of the instrument with the County Auditor and must submit the instrument vacating the plat for the approval of the Commission having subdivision control jurisdiction. It must be accompanied by a petition which:

1. states the reasons for and circumstances prompting the request;
2. specifically describes the property in the plat proposed to be vacated;
and
3. gives the name and address of each owner of land in the plat.

The petition may include a request to vacate any recorded covenants or commitments filed as part of the plat. The covenants or commitments are then also subject to vacation.

B. Within 30 days after receipt of a petition for vacation of a plat, the Executive Director shall establish the date for a hearing before the Commission.

1. Hearing procedure shall be as established by Commission Rules pursuant to I.C. 36-7-3-11.
2. Each owner of land within the plat area may comment on the petition and may object to the vacation as provided in Section 6.05 of this Ordinance.
3. The petitioner shall be responsible for notifying the utility companies serving the area to be vacated.
4. The petitioner shall be responsible for providing notice of the hearing.

C. After the hearing, the Commission shall approve or deny the petition for vacation. The Commission shall approve the petition for vacation of all or part of a plat only upon a determination that:

1. conditions in the platted area have changed so as to defeat the original purpose of the plat;
2. it is in the public interest to vacate all or part of the plat; and
3. the value of that part of the land in the plat not owned by the petitioner will not be diminished by vacation.

- D. If, after the hearing, the Commission determines that the plat or part of the plat should be vacated, it shall make written findings and a decision approving the petition. The Commission may impose reasonable conditions as part of its approval. The decision must be signed by the Executive Director. The Commission shall furnish a copy of its decision to the County Recorder for recording.
- E. If, after the hearing, the Commission disapproves the petition for vacation, it shall make written findings that set forth its reasons in a decision denying the petition for vacation and shall provide the petitioner with a copy. The decision must be signed by the Executive Director.
- F. The approval, disapproval, or imposition of a condition on the approval of the vacation of all or part of a plat is a final decision of the Commission. The petitioner or an aggrieved party may seek review of the decision of the Commission as provided by I.C. 36-7-4-1016.
- G. The County Recorder may record the instrument only if a certificate showing the approval of the vacation by the Commission is attached to it. If the instrument is not executed and approved as required by this section, it is void.
- H. An instrument recorded under this section terminates the effect of the plat or part of the plat declared to be vacated, and it also terminates all public rights in the public ways and public places described in the plat or part of the plat. However, a public way that has been improved, or that is part of an improved plat, may be vacated only in accordance with Section 6.04.
- I. If any platted land is vacated, the descriptions of the lots and parcels of that land shall be preserved as set forth in the plat, with the proportionate parts of vacated streets and alleys added as provided by law, unless all the owners of land in the vacated area consent in writing to the description of the area by: 1) the method used before the plat was made; 2) metes and bounds; or 3) other appropriate description. However, a vacated tract of 5 acres or more that is owned by 1 person, or jointly by 2 or more persons, need not be described by lot number and may be described by metes and bounds or some other method.

6.03 Alternate Vacation of Platted Area Procedure. The owners of land in a plat that is located in the 2-mile Jurisdictional Area may vacate all of the plat without the approval of the Commission if no lots have been sold and

no roads constructed in the plat, and all of the owners of land in the plat declare the plat to be vacated in a written instrument. The instrument must be executed, acknowledged, and recorded in the same manner as a deed to land.

6.04 Vacation of Public Ways and Platted Easements. Vacation of public ways and platted easements shall comply with I.C. 36-7-3 and this Section.

- A. Persons who own any lots or parts of lots and want to vacate all or part of a public way, public place, or platted easements in or contiguous to those lots or parts of lots, may file a petition for vacation with the Common Council if all or any part of the public way, public place, or platted easement to be vacated is located within Columbia City. Vacation of Public Ways and Platted Easements in the 2-mile Jurisdictional Area must be filed with the Whitley County Commissioners in accordance with County policy.
- B. The petition must:
1. stated the circumstances of the case;
 2. specifically describe the property proposed to be vacated; and
 3. give the names and addresses of all owners of land that abuts the property proposed to be vacated.
- C. The Common Council shall hold a hearing on the petition within 30 days after it is received. The City Clerk-Treasurer shall see that notice of the petition and of the time and place of the hearing is given: 1) in the manner prescribed in I.C. 5-3-1; and 2) by certified mail to each owner of land that abuts the property proposed to be vacated. The petitioner shall be responsible for providing this notice. Utility companies shall also be notified of any vacation of easement.
- D. The hearing on the petition is subject to I.C. 5-14-1.5. At the hearing, any person aggrieved by the proposed vacation may object to it as provided by Section 6.05 of this Ordinance.
- E. After the hearing on the petition, the Common Council may, by ordinance, vacate the public way, public place or platted easements.

The City Clerk-Treasurer shall retain a copy and shall furnish a copy of each vacation ordinance to the County Recorder for recording and to the County Auditor.

- F. Within 30 days after the adoption of a vacation ordinance, any aggrieved person may appeal the ordinance to the Circuit Court of the county. The Court shall try the matter and may award damages.
- G. Notwithstanding this Section, vacation proceedings do not deprive a public utility of the use of all or part of a public way or public place to be vacated, if, at the time the proceedings are instituted, the utility is occupying and using all or part of that public way or public place for the location and operation of its facilities. However, the utility may waive its rights under this subsection by filing its written consent in the vacation proceedings.
- 6.05 Filing of Remonstrance and Objections.** A remonstrance or objection permitted by Section 6.02 or 6.04 of this Ordinance may be filed or raised by any person aggrieved by the proposed vacation, but only on 1 or more of the following grounds:
- A. The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
 - B. The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
 - C. The vacation would hinder the public's access to a church, school, or other public building or place.
 - D. The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.
- 6.06 Termination of Vacation Proceedings.** After the termination of a vacation proceeding under this Ordinance, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for 2 years.

Page 5 concludes Chapter 6

CHAPTER 7

DEFINITIONS

7.01 RULES OF CONSTRUCTION: For the purpose of this Ordinance certain rules of construction apply to the text, as follows:

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The terms "shall" and "must" are always mandatory and not discretionary; the words "may" or "should" are permissive.
- C. For the purpose of this Ordinance, only terms having a specific or narrow meaning will be defined. Words and phrases defined herein shall be given the defined meaning. Whenever words or phrases used herein are not defined herein but are defined in the State laws regulating the creation and function of various local planning agencies or local building codes, that definition will apply. The dictionary definition will be used for terms not specifically defined in the Ordinance except where the context clearly indicates a different or specified meaning.
- D. The word "person" includes a firm, organization, association, partnership, trust, company, or corporation, as well as an individual.
- E. The words "use" or "occupy" shall include the words "intended", "designed", or "arranged" to be "used" or "occupied".
- F. The word "building" includes "structure", or any portion of a building or structure. The word "structure" means any man-made item.
- G. The word "year" means the twelve (12) month period from the date of approval/disapproval of requested action.
- H. The masculine includes the feminine.

- I. Whenever any reference is made in this Ordinance to any other section or provision of this or other ordinances, such reference shall be deemed to include the provision(s) or regulation(s) to which the reference is made.

7.02 DEFINITIONS. The following definitions shall apply in interpretation and enforcement of this Ordinance, unless otherwise specifically stated:

1. **ABUTTING.** Having a common border with, or being separated from such a border by a right-of-way, alley, or easement
2. **ACCESS:** Permission, liberty, or ability to enter, approach, communicate with, or pass to and from; freedom or ability to obtain or make use of a way or means of access.
3. **ACCESSORY BUILDING OR STRUCTURE.** A subordinate building or structure having a use customarily incidental to and located on the lot occupied by the main building. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under as extension of the main roof and designed as an integral part of the main building.
4. **ACCESSORY USE.** A structure or use that: a.) is clearly incidental to and customarily found in connection with a principle building or use; b.) is subordinate to and serves a principal building or use; c.) is subordinate in area, extent, or purpose to the principal building or principal use served; d.) contributes to the comfort, convenience, or necessity of occupants, business or industry in the principal building or principal use served; and e.) is located on the same lot as the principal or use served.
5. **ADEQUATE PUBLIC FACILITIES.** Facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the Governing Body based upon specific levels of service.

6. **AGRICULTURAL DISTRICT.** The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities and shall not in any way constitute an independent commercial or industrial use. The operation of commercial feed lots or pens, sales yards, auction yards for cattle or hogs, and meat packing or food canning plants shall be deemed an industrial and not an agricultural use.
7. **AIRPORT.** An area of land or water that is used or intended to be used for the landing and take-off of aircraft, and including its buildings and facilities, if any.
8. **ALLEY.** A minor public or private right-of-way shown on a plat, providing secondary access to the rear or side of a lot, block, or parcel of land otherwise abutting a street.
9. **ALTERATION.** Any addition, removal, extension, or change in construction or occupancy of an existing building, structure, or plat.
10. **APARTMENT.** A room or set of rooms fitted especially with housekeeping facilities and usually leased or rented as a dwelling; a building containing several individual apartments.
11. **APARTMENT OR APARTMENT DWELLING.** A room or a suite of rooms comprising a portion of a building (distinguished from a mobile home) as an independent dwelling for one family, while the remaining portion of the building is another dwelling, or other dwellings, or use other than dwelling, such as a business.
12. **APPELLANT.** An "appellant" refers to any person, firm, partnership, corporation or other business organization, public official, head of any administrative department, or member of any public board which appeals a decision of the Administration or any building inspector of the building and zoning division.

13. **APPLICANT.** An "applicant" means any person, firm, partnership, corporation, or other business organization which applies to the Columbia City Board of Zoning Appeals or to the Columbia City Plan Commission for action, by said Board, Commission, thereby affecting that land.
14. **AQUIFER.** A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.
15. **AQUIFER RECHARGE AREA.** An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into ground water.
16. **ARTERIAL STREET.** A street intended to move through traffic to and from such major attractions as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the City or the County; and/or as a route for traffic between communities; a major intra- or inter-city thoroughfare as designed by and shown on the Thoroughfare Plan.
17. **AS BUILT PLANS.** Construction plans revised to show a facility or structure as actually constructed and as it appears on the tract of land involved.
18. **ASSESSMENT DISTRICT.** See Public Facility Service Area.
19. **BASEMENT.** A floored and walled substructure of a building at least fifty (50) percent below the average finished grade of the building.
20. **BLOCK.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities.
21. **BOARD.** The Columbia City, Indiana, Board of Zoning Appeals.
22. **BOARD OF COUNTY COMMISSIONERS.** The Whitley County, Indiana, Board of County Commissioners.

23. **BOND.** Any form of surety bond in an amount and form satisfactory to the Governing Body. All bonds shall be approved by the Governing Body whenever a bond is required by these regulations.
24. **BOULEVARD.** A boulevard is a broad, often landscaped, thoroughfare.
25. **BUFFER AREA.** A landscaped area intended to separate and partially or substantially obstruct the view of two adjacent land uses or properties from one another.
26. **BUILDING.** Any roofed structure built for the support, shelter, enclosure, or protection of persons, animals, chattels or moveable property of any kind (each part of such a structure that is separated from the rest by unbroken party, common, walls is considered to be a separate building for the purpose of this Ordinance.)
27. **BUILDING AND ZONING INSPECTOR.** The person delegated by the local government to enforce the Zoning Ordinance and to act as Director in the absence of the Executive Director.
28. **BUILDING COVERAGE.** The portion of the lot area, expressed as a percent, that is covered by the maximum horizontal cross-section of a building or buildings.
29. **BUILDING HEIGHT.** The vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and the mean height between eaves and ridge for a gable, hip, or gambrel roof. Where a building is set back from the street line, the height of the building shall be measured from the average elevation of the finished grade along the front of the building.
30. **BUILDING LINE OR SETBACK LINE.** A line parallel to a street right-of-way line, edge of a stream, or other property line established on a parcel of land or lot for the purpose of prohibiting construction of a building or structure in the area between such building line and right-of-way, stream bank, or other property line.

31. **BULK.** The term used to indicate the size and setback of building or structure and the location of same with respect to another building or structure or to a lot line and includes the following: size and height of building or structure; location of exterior walls of a building in relation to lot lines, other buildings, or to streets; the floor area of a building in relation to the area of the lot on which it is located; the open space allocated to a surrounding area of a building; and the amount of lot area per dwelling unit.
32. **CAPITAL IMPROVEMENT.** A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the local government.
33. **CAPITAL IMPROVEMENT PROGRAM.** A plan setting forth by category of public facilities those capital improvements and that portion of their costs which are attributable to serving new development within designated service areas for such public facilities over a period of specified years (10-20). Capital improvements program may refer either to the plan for a particular service area or to the aggregation of capital improvements and the associated costs programmed for all service areas for a particular category of public facilities.
34. **CEMETERY.** Includes any columarium, crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.
35. **CENTRAL SEWAGE SYSTEM.** A community sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.
36. **CENTRAL WATER SYSTEM.** A private water company formed by a developer to serve new subdivision in an outlying area. It includes water treatment and distribution facilities.
37. **CERTIFY.** Whenever these regulations require an agency or official to certify the existence of some fact or circumstance, the municipality by administrative rule may require that such certification be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.

38. **CLASSIFICATION OF ROADS.** For the purpose of providing for the development of streets, highways, roads, and right-of-way in the governmental unit, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road, and right-of-way, and those located on approved and filed plats, have been designated on the Official Map of the local government and classified therein. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the local government and its present and estimated future traffic volume and its relative importance and function as specified in the Master Plan of the local government. The required improvements shall be measured as set forth for each street classification on the Official Map.
39. **CLUSTER ZONING.** A technique which allows lots to be reduced in size and buildings sited closer together provided the total development density does not exceed that which could be constructed on the site under conventional zoning and the remaining land is utilized for open space or public purposes. See also Planned Unit Development (P.U.D.).
40. **COLLECTOR STREET/ROAD.** A street/road intended to move traffic from local roads to secondary arterials. A collector street/road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it. A local street/road which connects two collector roads may be designated a collector street/road at the discretion of the Planning Commission.
41. **COMMISSION.** The Columbia City Advisory Plan Commission.
42. **COMMON OWNERSHIP.** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated associations, in which a stockbroker, partner or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.
43. **COMMUNITY IMPROVEMENT DISTRICT.** See Public Facility Service Area.

44. **CONSTRUCTION PLAN.** The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat.
45. **CONTIGUOUS.** Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.
46. **COOPERATIVE.** An entire project which is under the common ownership of a Board of Directors with units leased and stock sold to individual cooperators.
47. **CORNER LOT.** A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees. A lot with streets abutting more than two (2) sides shall also be a corner lot.
48. **COUNTY.** Whitley County, Indiana.
49. **COVENANT.** Covenant as in Restrictive Covenant, is a "formal, solemn, and binding" agreement usually generated by the developer of a subdivision requiring certain obligations be met by those purchasing property from the developer or generated by an association to maintain certain community standards.
50. **CROSSWALK.** A crosswalk is delineated area of a road, street, or parking lot which indicates by pavement marking or posted signs that vehicular traffic shall yield to pedestrians. Similar markings or signs may be used to reserve police parking or fire truck parking lanes or other emergency type vehicular uses.
51. **CUL-DE-SAC.** A local street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement for public safety vehicles and school buses.
52. **DEAD-END ROAD.** A road or portion of a road with one (1) vehicular-traffic outlet.
53. **DESIGN CRITERIA.** Standards that set forth specific improvement requirements.

54. **DETACHED BUILDING.** A building that has no structural connection with another building.
55. **DEVELOPER.** The owner of land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/or approval under these regulations. See Subdivider.
56. **DEVELOPMENT AGREEMENT.** Agreement between the Governing Body and the developer through which the Governing Body agrees to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation in exchange for the provision of public facilities or amenities by the developer in excess of those required under current community regulations.
57. **DEVELOPMENT PLAN.** See Chapter 4 of these Subdivision regulations.
58. **DRIVEWAY.** A driveway is defined as the ingress/egress access point of a property.
59. **DWELLING.** A building or part of a building that is used primarily as a place of abode, but not including a hotel, motel, lodging house, boarding house, or tourist home.
60. **DWELLING UNIT.** A dwelling or part of a dwelling used by one family as a place of abode.
61. **EASEMENT.** An authorization grant made by a property owner for use by another entity, of any designated part of his property for a clearly specified purpose and officially recorded.
62. **ESCROW.** A deposit of cash with the local government or escrow agent to secure a promise until certain conditions are fulfilled.
63. **EXECUTIVE DIRECTOR.** The Executive Director has authority over the personnel and the interpretation of ordinances associated with the Planning Department.

64. **EXPRESSWAY.** A street/road which is intended to have limited access on interregional routes. They are designed exclusively for unrestricted movement, have limited private access, and intersect only with selected arterial highways or major streets by means of interchanges whenever possible.
65. **EXTERNAL BUFFER.** A naturally vegetated area along the exterior boundaries of an entire development processed in accordance with a multi-phase or phased subdivision application which is landscaped and maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.
66. **FAMILY.** One of more persons sharing meals, when appropriate, and living as a single housekeeping unit.
67. **FARM.** An area used for agricultural operations, including truck gardening, forestry, the operating of a tree or plant nursery, or the production of livestock and poultry. See Agricultural District and Agriculture.
68. **FINAL SUBDIVISION PLAT.** The map of a subdivision to be recorded with the County Auditor after approval by the Planning Commission and any accompanying material as described in these regulations.
69. **FLOOD HAZARD AREAS.** Those flood plains which have not been adequately protected from flooding caused by the regulatory flood, and are shown on the zoning map and/or the Flood Hazard or Floodway-Boundary Maps of the Federal Insurance Administration or maps provided to the Commission from the Indiana Natural Resources Commission.
70. **FLOOD PLAIN.** The area adjoining the river or stream which has been or may hereafter be covered by flood water from the Regulatory Flood.
71. **FLOOD PROTECTION GRADE.** The elevation of the lowest floor of a building, including the basement, which shall be two (2) feet above the elevation of the Regulatory Flood.
72. **FLOODWAY.** See Regulatory Floodway.

73. **FLOODWAY FRINGE.** The portion of the flood plain lying outside the floodway, which is inundated by the Regulatory Flood.
74. **FLOOD ELEVATION.** The level that flood waters may reach within a 100-year period.
75. **FOUNDATION.** The supporting member of a wall or a structure.
76. **FRONT LINE.** With respect to a building, means the line marking the boundary between the lot and the abutting street or a lake or watercourse; and for a corner lot, means the line marking the boundary between the lot and the shorter of the two (2) abutting street segments, except as deed restrictions specify otherwise.
77. **FRONT LOT LINE.** Except as deed restrictions specify otherwise, an interior or through lot means the line marking the boundary between the lot and the abutting street or lake or watercourse; and on a corner lot it means the line marking the boundary between the shorter of the two abutting street segments.
78. **FRONT YARD.** The horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line. The front yard of a corner lot shall be that yard abutting the street upon which the lot has its least frontage, except as deed restrictions specify otherwise.
79. **FRONTAGE.** That side of a lot abutting a street or way and ordinarily regarded as the front of the lot; but it shall not be considered as the ordinary side of a corner lot.
80. **FRONTAGE STREET.** Any street to be constructed by the developer or any existing street where development shall take place on both sides.
81. **FUTURE.** Of, relating to, or constituting a verb tense expressive of time yet to come; existing or occurring at a later time.
82. **GOVERNING BODY.** The body of the local government having the power to adopt ordinances.

83. **GRADE.** See Lot Ground Level.
84. **GRIDIRON PATTERNS.** A reference to standardized lots in a grid type pattern similar to a checkerboard.
85. **HARDSHIP.** A perceived difficulty with regard to one's ability to improve land stemming from the application of the development standards of this Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of a restriction on economic gain shall not be considered hardships. Self-imposed situations include: The purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standard of this Ordinance; any results of land division requiring variance from the development standards of this Ordinance in order to make that site buildable.
86. **HAZARD.** A source of danger.
87. **HAZARDOUS.** Involving or exposing a person or thing to risk (as of harm or loss).
88. **HEALTH DEPARTMENT AND HEALTH OFFICER.** The agency and the person designated by the Governing Body to administer the health regulations of the local government.
89. **HEALTH, SAFETY, OR GENERAL WELFARE.** The purpose of which municipalities may adopt and enforce land use regulations for the prevention of harm or promotion of public benefit to the community; commonly referred to as police power.
90. **HOMEOWNERS ASSOCIATION.** See Property Owners Association.
91. **HOUSING UNIT.** Dwelling unit as defined in City of Columbia City Code Chapter 152: Minimum Housing Standards.

92. **IMPROVEMENT LOCATION PERMIT.** A document issued by his Ordinance permitting a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, or demolish any building or structure within its jurisdiction, or cause the same to be done or to change the use or condition of the land.
93. **IMPROVEMENTS.** See Lot Improvement or Public Improvement.
94. **INDIVIDUAL SEWAGE DISPOSAL SYSTEM.** A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.
95. **INDUSTRIAL USE.** Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which some operations, other than transportation, are performed in open area.
96. **INFILL DEVELOPMENT.** Development designed to occupy scattered or vacant parcels of land which remain after the majority of development has occurred in an area.
97. **INTERESTED PARTIES.** Those parties who are owners of properties adjoining or adjacent to the property under consideration.
98. **INTERIOR LOT.** A lot other than a corner lot or a through lot.
99. **LANDFILL.** A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environment hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.
100. **LANDSCAPING.** Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.
101. **LETTER OF INTENT.** A document guaranteeing that a task will be performed at a given time and place.

102. **LIGHT INDUSTRIAL USE.** Manufacturing, processing extraction, heavy repairing, disposal of equipment, raw materials, manufacture products or waste, in which all operations, other than transportation, are performed entirely within enclosed buildings and for which all loading and unloading facilities are enclosed.
103. **LIMITED ACCESS HIGHWAY.** A freeway or expressway providing a traffic-way for through traffic in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over the traffic-way.
104. **LOCAL ROAD/STREET.** A road/street whose sole function is to provide access to abutting properties and to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes when needed.
105. **LOT.** A tract, or portion of a subdivision or other parcel of land intended as a unit for the purpose whether immediate or future, of transfer of ownership or of building development.
106. **LOT COVERAGE.** The percentage of the lot area that is represented by the building area.
107. **LOT GROUND LEVEL.** Lot ground level is determined from three aspects, as follows:
- a. For a building having walls abutting (that is, generally parallel to and not more than five feet from) one street only, means the elevation of the sidewalk at the center of the wall abutting the street.
 - b. For a building having walls on more than one means the average of the elevation of the sidewalks at the center of all of the walls that face streets; and
 - c. For a building having no wall abutting a street means the average level of the ground adjacent to the exterior walls of the building.

108. **LOT WIDTH.** The distance between the side lot lines as measured on the building line.
109. **MAJOR SUBDIVISION.** A major subdivision is one which requires new streets and/or extensions of existing streets and also substantially affects other local governmental facilities or causes the creation of any public improvements. Major subdivisions require the preparation of an Advisory Plat, a Primary Plat, and a Secondary Plat.
110. **MASTER PLAN.** A comprehensive plan for development of the local government prepared and adopted by the Planning Commission, pursuant to State law, and including any part of such plan separately adopted and any amendments to such plan, or parts thereof.
111. **MASTER PRELIMINARY PLAT.** That portion of a preliminary plat submitted in connection with a multiphase or phased subdivision application which provides the information and graphics meeting the requirements of this Ordinance for the purpose of implementing an integrated development scheme for all phases of the proposed subdivision.
112. **MINERAL EXTRACTION.** Mining and quarrying; and removal of earth materials.
113. **MINOR SUBDIVISION.** A minor subdivision does not require new streets or extensions of existing streets or additions to municipal facilities or the creation of any public improvements and is not in conflict with any provisions or portion of the Master Plan, Official Map, Zoning Ordinance or these regulations. Minor subdivisions require the preparation of a Primary Plat and a Secondary Plat.
114. **MODIFIED FRONTAGE ROAD.** See Portage Driving Lane.
115. **MUNICIPALITY.** See Local Government.
116. **NEW DEVELOPMENT.** A project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of land; any of which has the effect of increasing the requirements for capital improvements, measured by number of

service units to be generated by such activity, and which requires either the approval of a plat pursuant to the City's subdivision regulations, the issuance of a building permit, or connection to the City's water or sanitary sewer system.

117. **NON-CONFORMING USE.** A building, structure or use of land existing at the time of enactment of this Ordinance, which does not conform to the regulations of the district in which it is situated.
118. **NON-RESIDENTIAL SUBDIVISION.** A subdivision whose intended use is other than residential, such as commercial or industrial.
119. **NOTICE OF NON-COMPLIANCE.** A notice issued by the Executive Director of the Planning Commission informing the applicant for approval of a major subdivision that the Advisory Plat is not in compliance with these regulations and that the Applicant may not apply for primary plat approval.
120. **NOTICE TO PROCEED.** A notice issued by the Executive Director of the Planning Department informing the Applicant for approval of a major subdivision that the Advisory Plat is in compliance with these regulations and that the applicant may proceed to apply for primary plat approval.
121. **OCCUPIED SPACE.** The total area of earth horizontally covered by the structure, excluding garages, patios and porches and other accessory structures.
122. **OFF-SITE.** Any premises not located within the area of the property to be subdivided, whether or not in the common ownership of the applicant for subdivision approval.
123. **OFFICIAL MAP.** The map established by the Governing Body pursuant to law showing the streets, highways, parks, drainage systems, and setback lines laid out, adopted, and established by law, and any amendments or additions to be adopted, by the Governing Body resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of approved plats.
124. **OFFICIAL MASTER PLAN.** See Master Plan.

125. **OPEN USE.** The use of a lot without a building, or a use for which a building with a floor area no larger than five (5) percent of the lot area is only incidental.
126. **ORDINANCE.** Any legislative action, however determined, of a local government which has the force of law, including any amendment or repeal of any ordinance.
127. **OWNED UNIT.** A designated unit which is a condominium, villaminium, stock cooperative, or community apartment.
128. **OWNER.** The record owners of the fee or a vender in possession, including any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under the definition of SAME OWNERSHIP.
129. **PERFORMANCE GUARANTEE.** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and the approved plans and specifications of a development.
130. **PERMIT.** A written assertion that specific requirements have been met and giving authority to perform certain activity, as in, Building Permit--authorization to build a structure.
131. **PERSON.** A corporation, firm, partnership, association organization, unit of government, or any other group, or entity that acts as a unit, as well as a natural person.
132. **PHASED SUBDIVISION APPLICATION.** An application for subdivision approval pursuant to a Master Preliminary Plat, or at the option of the subdivider, pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in one or more individual phases(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, nonresidential development projects, planned unit development projects, planned unit developments, mixed-use projects, and residential developments.

133. **PIPE-STEM LOT.** Pipe stem lots are defined as those lots far removed from a public street or road due to natural impediments, therefore requiring an access road to reach the building area.
134. **PLANNED UNIT DEVELOPMENT.** A Planned Unit Development (P.U.D.) is constructed on a tract of minimum size under single ownership, planned and developed as an integral unit consisting of a combination of residential and/or nonresidential uses of the land.
135. **PLANNING COMMISSION.** The local government's Planning Commission established in accordance with the law.
136. **PLAT.** A map indicating the subdivision, or resubdivision of land, filed or intended to be filed, for record with the County Recorder.
137. **POLICE POWER.** Inherent, delegated, or authorized legislative power for purposes of regulation to secure health, safety, and general welfare.
138. **PRIMARY ARTERIAL.** A street/road intended to move through traffic to and from major attractions such as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the governmental unit; and/or as a route for traffic between communities or large areas and/or which carries high volumes of traffic.
139. **PRIMARY PLAT.** The primary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.
140. **PRINCIPAL BUILDING.** A building in which the principal use of the lot or parcel on which it is located is conducted. Standards recognized by the Indiana Department of Fire Prevention and Building Safety shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist.
141. **PRIVATE DRIVES.** Vehicular street and driveways, paved or unpaved, which are wholly within private property except where they interact with public streets within public right-of-ways.

142. **PROPERTY OWNERS ASSOCIATION.** An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision, be it a lot, parcel site, unit plot condominium, villaminium, or any interest, is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expense of the association which may become a lien against the lot, parcel, unit, condominium, villaminium, or other interest of the member.
143. **PROVIDE.** To supply or make available something wanted or needed; supply, construct, install, e.g. whenever the phrase "The Subdivider shall provide" appears in the text it shall be interpreted to mean that the owner/developer shall have the responsibility for providing the item or facility referred to, or whenever a private sewage disposal system, or whenever an individual water system is to be provided, the owner/developer shall be required as a condition of the sale of each lot or parcel in the subdivision, to attest that the facility or item referred to is installed/constructed in accordance with the regulations of this ordinance. Such installation/construction shall be completed prior to the erection or occupation of any building on the lot.
144. **PUBLIC FACILITY.** A public facility which may require an impact fee are those facilities which may need expansion, modification, or upgrading of sewerage systems, roads, water systems, and similar items which may be affected as a direct result of development by developers.
145. **PUBLIC HEARING.** An adjudicatory proceeding held by the Planning Commission and preceded by published notice and actual notice to certain persons, including the applicant who may call witnesses and introduce evidence for the purpose of demonstrating whether a plat approval should or should not be granted. Witnesses shall be sworn in and subject to cross-examination. The rules of civil procedure binding on the courts shall not, however, bind the Planning Commission.

146. **PUBLIC IMPROVEMENT.** Any drainage ditch, street, highway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for which the local government responsibility is established. (All such improvements shall be properly bonded.)
147. **PUBLIC MEETING.** A meeting of the Planning Commission or Governing Body preceded by notice, open to the public and at which the public may, at the discretion of the body holding the public meeting, be heard.
148. **REAR YARD.** A yard, as defined herein, encompassing the horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.
149. **REGISTERED ENGINEER.** An engineer properly licensed and registered with the State.
150. **REGISTERED LAND SURVEYOR.** A land surveyor properly licensed and registered in the State.
151. **REGULATORY FLOOD.** That flood having a peak discharge which can be equaled or exceeded on the average of one in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; this flood is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year.
152. **REGULATORY FLOODWAY.** The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by significant volumes of stored water during the occurrence of the regulatory flood.

153. **RESUBDIVISION.** Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
154. **RIGHT-OF-WAY.** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for any other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way here-after established and shown on final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-ways intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
155. **ROAD.** A road or street is an area set aside for vehicular or pedestrian use in traveling from one place to another place. See Classification of Roads for more details. See also road or street by modifiers such as Dead-End Road, Limited Access Road (or Highway, etc.).
156. **ROAD RIGHT-OF-WAY.** The distance between property lines measured at right angles to the centerline of the road.
157. **ROAD SURFACE.** That area of a street/road upon which traffic flows e.g. the surface between the inner curbing edge, as specified by the City or that area between the outer curbing edge, as measured by Whitley County. (See also TRAVELED PORTION.)
158. **SALE OR LEASE.** Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or other transfer of interest in a subdivision or part thereof, whether by metes and bounds or lot and block description.

159. **SCREENING.** Either (a) a strip at least ten (10) feet wide or densely planed (or having equivalent natural growth) shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6 ft.) high; or an opaque wall or barrier or uniformly painted fence at least six (6) feet high.
160. **SECONDARY APPROVAL.** Final approval of a plat said approval may be delegated to the Executive Director.
161. **SECONDARY ARTERIAL.** A road intended to collect and distribute traffic in a manner similar to primary arterials., except that these roads service minor traffic-generating areas such as community commercial areas, primary and secondary educational facilities, hospitals, major recreational areas, churches, and are designed to carry traffic from collector streets to the system of primary arterials.
162. **SECURITY.** The letter of credit or cash escrow provided by the applicant to secure its promises in the subdivision improvement agreement.
163. **SETBACK.** A line parallel to and equidistant from the relevant lot line (front, back, side) between which no building may be erected as prescribed in this Ordinance.
164. **SHADE TREE.** A tree in public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.
165. **SIDE LOT LINE.** Any lines separating two lots other than front or rear lot lines.
166. **SIDE YARD.** The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches into that space; steps or terraces not higher than the level of the first floor of the building and open lattice-enclosed fire escape, fireproof outside stairways and balconies projecting not more than twenty-four (24) inches into that space.
167. **SHOPPING CENTER.** A building containing four (4) or more shops, stores, and other places of business, and providing off-street parking facilities in common for all of the businesses and their customers.

168. **SIGHT DRAFT.** A sight-draft is a written document which contains information similar to those considerations found in an affidavit or Credit Statement.
169. **SITE PLAN.** A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principle site development features proposed for a specific parcel of land.
170. **SPECIAL EXCEPTION.** The authorization of a building, structure, or use that is not designed as a permitted use within a district, but if specifically listed may be permitted if it meets special conditions, and upon application, is specifically authorized by the Columbia City Board of Zoning Appeals (B.Z.A.).
171. **SPECIFIC PLAN.** A document encompassing a specific geographical area of the local government which is prepared for the purpose of specifically implementing the local government comprehensive plan to a specific geographic area by (1) refining the policies of the comprehensive plan; (2) containing specific recommendation as to the detailed policies and regulations applicable to a focused development scheme. The specific plan shall consist of goals, objectives, and policies; requirements for capital improvements; the level of service required for public facilities, physical and environmental conditions; housing and land use characteristics of the area; and maps, diagrams, and other appropriate materials showing existing and future conditions.
172. **STREET.** See Road.
173. **STREET TRENCH.** A street trench is a temporary excavation which is necessary for sub-surface repair or installation.
174. **STRUCTURE.** Anything constructed or erected that requires location on or in the ground or attachments to something having a location on or in the ground.
175. **STUB-STREET.** The stub-street is a short street which provides a temporary continuation of an existing street or the beginning of a new street when future development takes place. Its length shall not be more than two-hundred (200) feet or no more than the length of the lot it abuts.

176. **SUBDIVIDE.** The act or process of creating a subdivision.
177. **SUBDIVIDER.** Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease or develop, or otherwise advertises to sell lease, or develop any inserts, lot, parcel site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.
178. **SUBDIVISION.** See Major Subdivision or Minor Subdivision.
179. **SUBDIVISION AGENT.** Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing any interest, lot, parcel, unit, site, or offering to sell, lease, or develop any lot, parcel, unit site or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.
180. **SUBDIVISION IMPROVEMENT AGREEMENT.** A contract entered into by the applicant and the Planning Commission on behalf of the municipality by which the applicant promises to complete the required public improvements within the subdivision within a specified time period following secondary subdivision plat approval.
181. **SUBDIVISION PLAT.** The final map or drawing, described in these regulations, on which the sub divider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be submitted to the County Clerk or Recorder for filing.
182. **TEMPORARY IMPROVEMENT.** Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the Performance Bond. The agreement includes also the maintenance, and the removal of said improvements.

183. **THROUGH LOT.** A lot fronting on two parallel or approximately parallel streets and includes lots fronting on both a street and a watercourse or lake.
184. **TRACT.** A lot. The term "tract" is used interchangeably with the term "lot", particularly in the context, or subdivision, where a "tract" is subdivided into several lots, parcels, sites, units, plots, condominiums, villaminiums, tracts, or interests.
185. **TRAVELED PORTION.** That portion of a street/road upon which traffic travels, namely the surface area measured between the inner edge of the curb and gutter as differentiated from the Whitley County specification which measures the street/road traveled portion as the area measured from the back of the curb to the back of the opposing curb. (See also ROAD SURFACE.)
186. **TURNAROUND.** A turnaround is a permanent or temporary circular area which provides for vehicular change of direction in a cul-de-sac or at the end of a street under construction or reserved for extension of a street at some future date.
187. **UNIT SHOPPING CENTER.** A Unit Shopping Center consists of less than four (4) business establishments utilizing on-street parking or limited on-lot parking.
188. **USE.** The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.
189. **VESTED RIGHTS.** Right to initiate or continue the establishment of a use which is contrary to a restriction or regulation coming into effect when the project associated with the use is completed.
190. **VILLAMINIUM.** A villaminium structure is one wherein both the lot and the structure are owned by the property owner but exterior maintenance of the lot and structure is done by an organization charging a sliding scale monthly amount depending on various factors.
191. **YARD.** A space on the same lot with a principal building that is open and unobstructed except as otherwise authorized by this Ordinance.

192. **ZONING ORDINANCE.** The Columbia City Zoning Ordinance has as its purpose the regulation and control of the zoning of land and the consequent use of said land within the City of Columbia City, Indiana and its jurisdictional area.

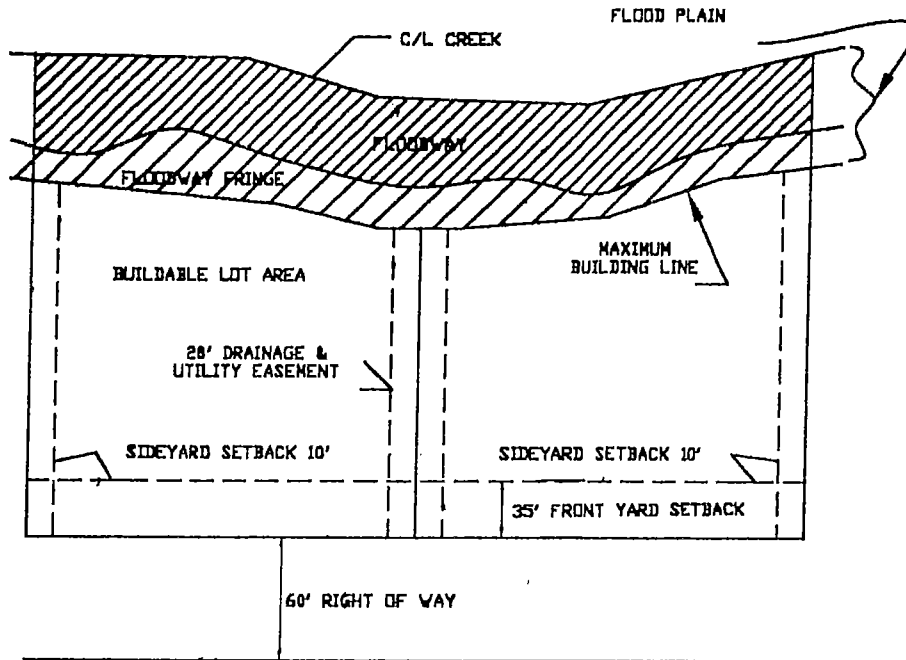
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**COLUMBIA CITY SUBDIVISION
ORDINANCE**

APPENDIX A

FIGURES 8-1 TO 8-22

PLAT CERTIFICATES



**FIGURE 8-1. BUILDABLE LOT AREA
ADJACENT TO WATER BODIES**

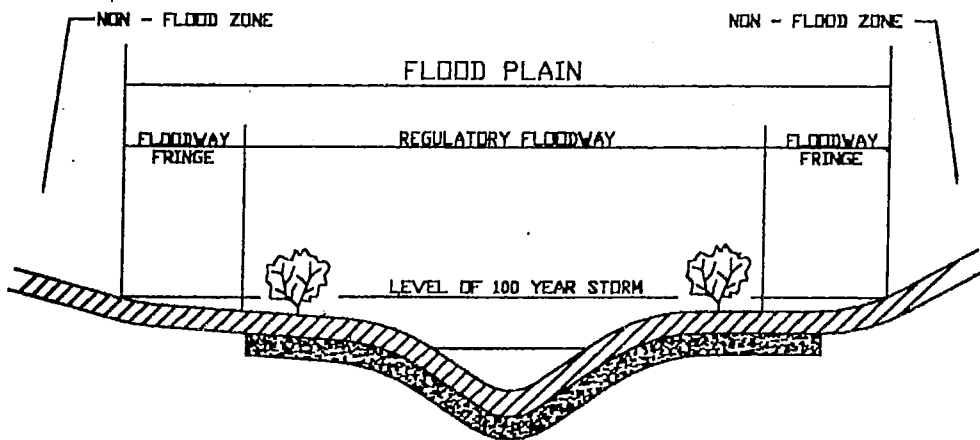
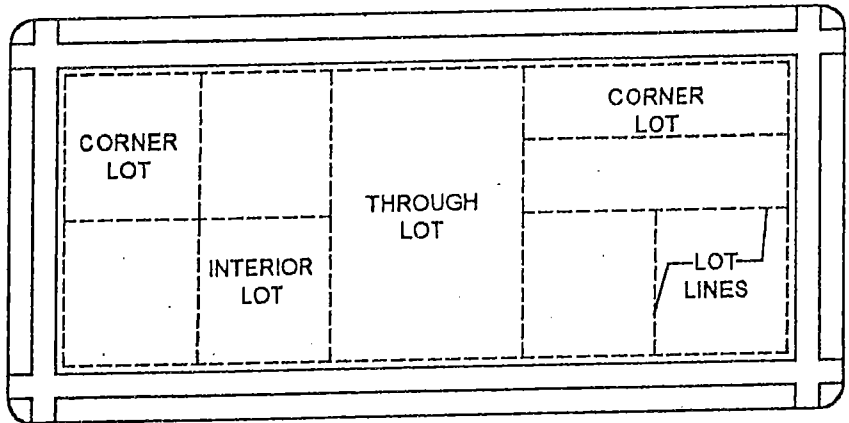
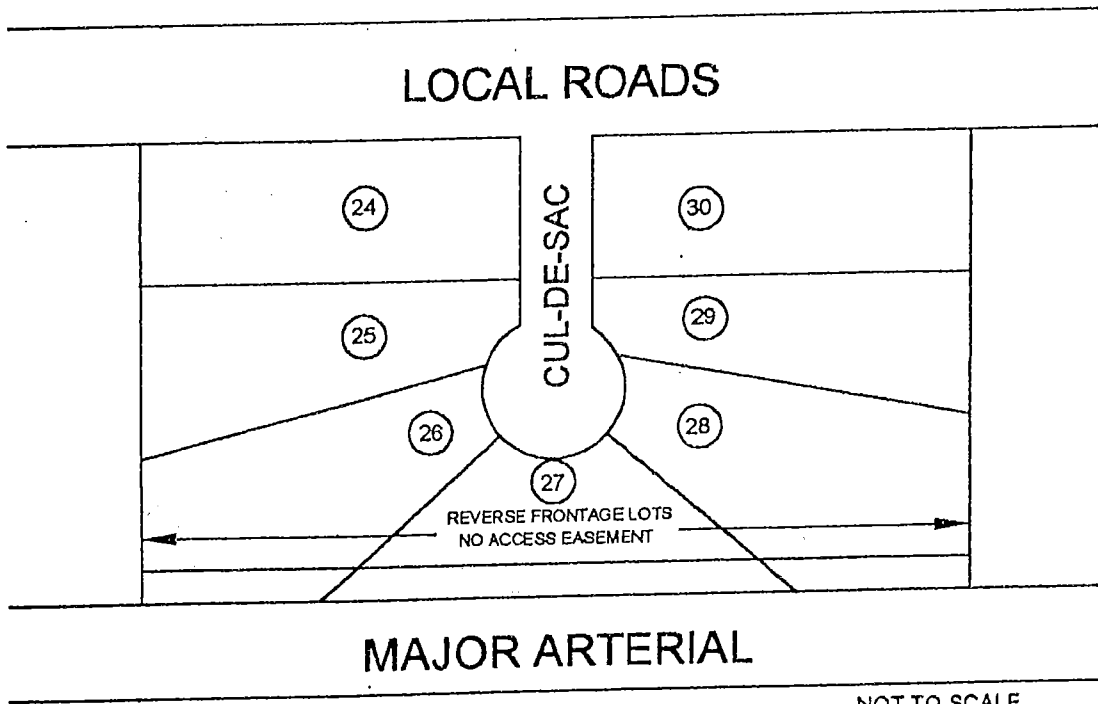


FIGURE 8-2 FLOOD PLAIN DELINEATION



STREET



NOT TO SCALE

FIGURE 8-3 LOT TYPES AND FRONTAGE EXAMPLES

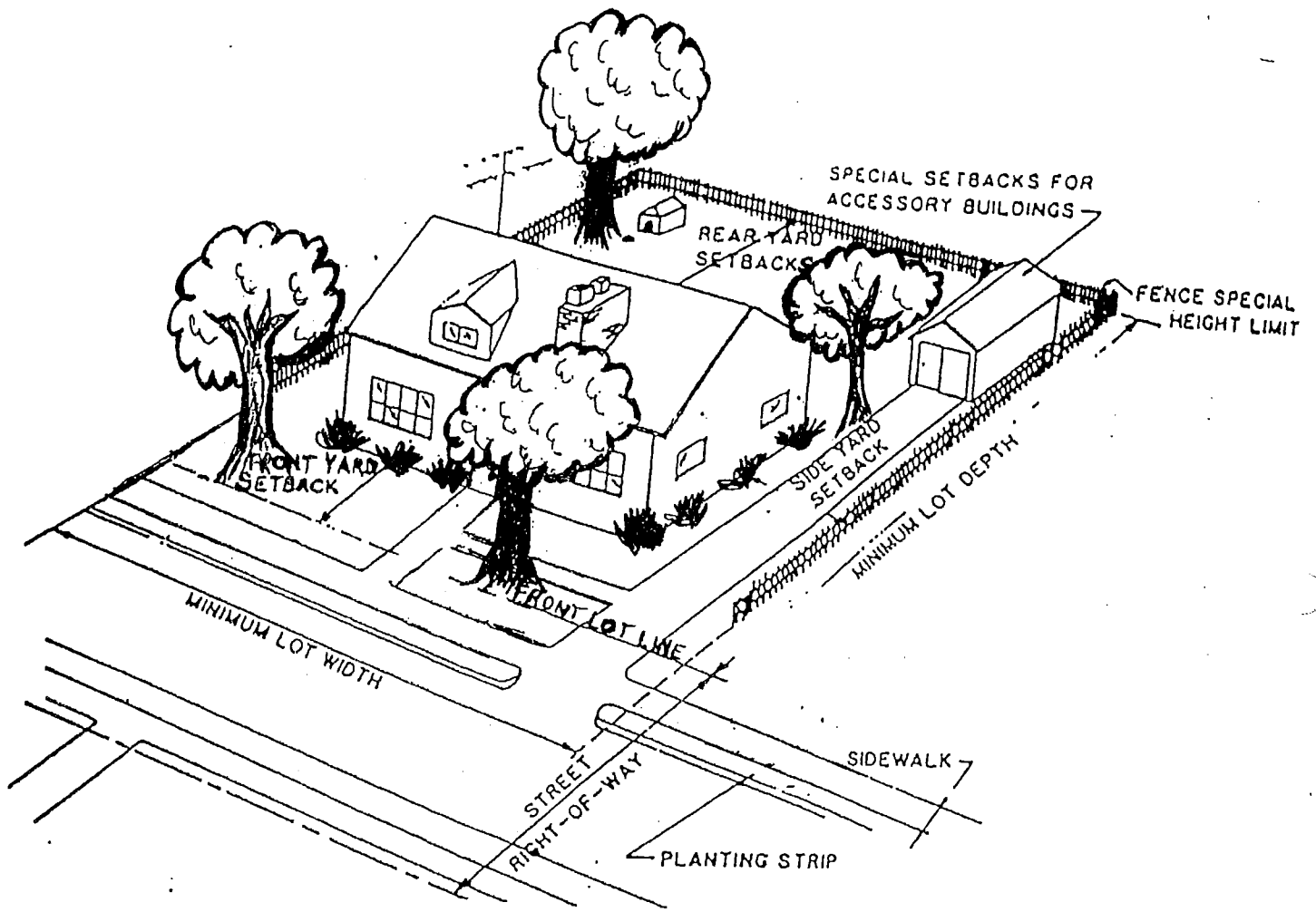
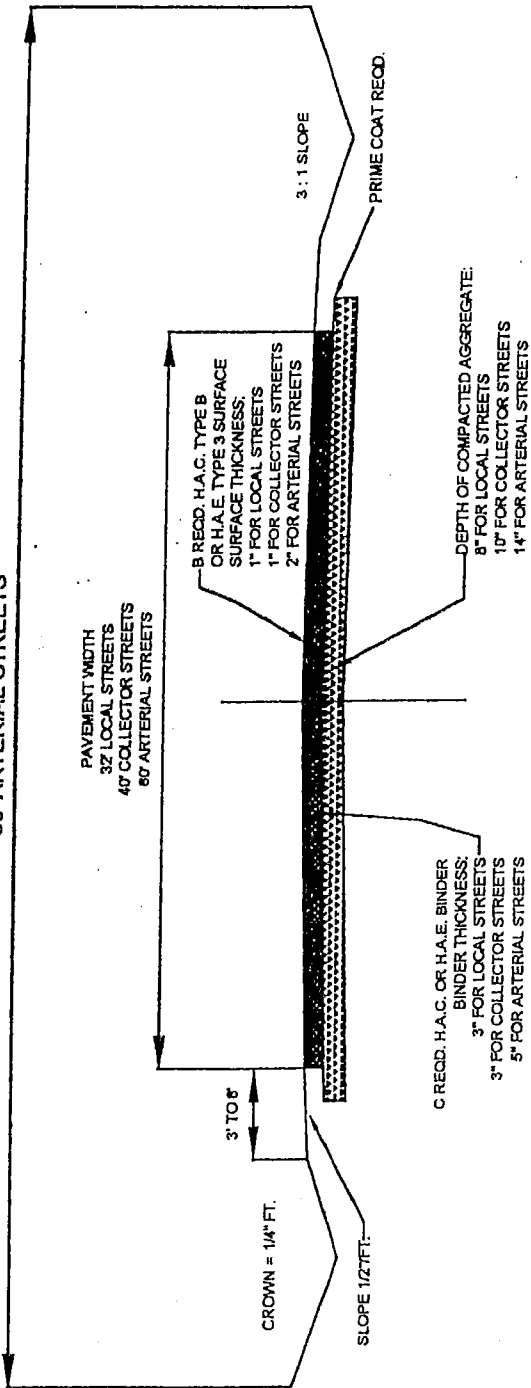
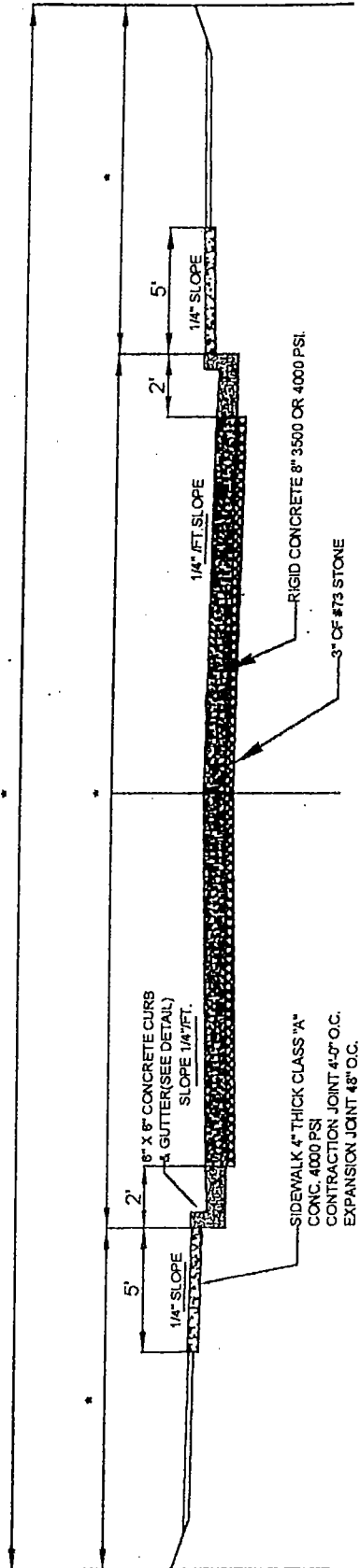


FIGURE 8-4 YARD AREAS AND STREET IMPROVEMENTS

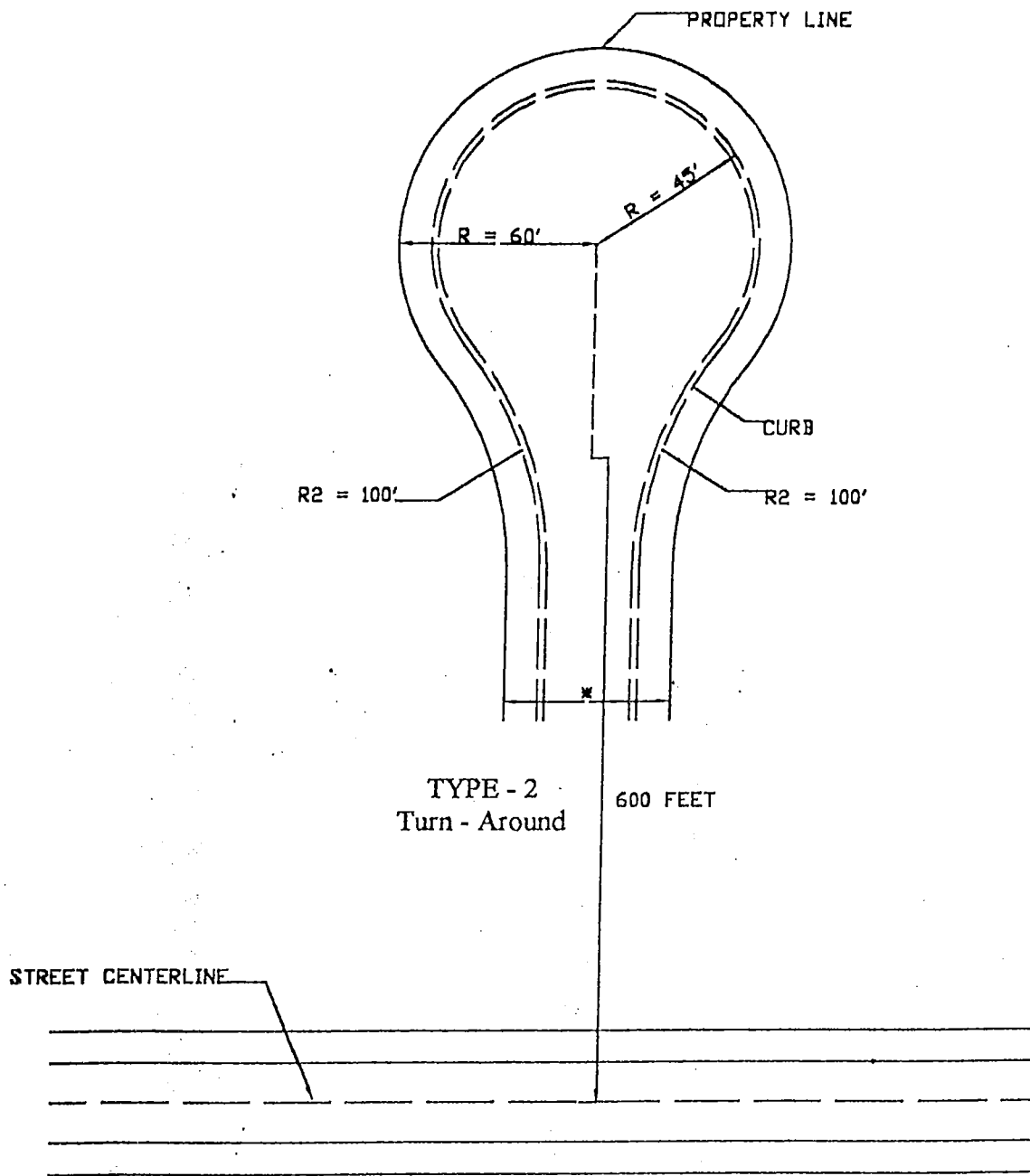
RAW
60' LOCAL STREETS
70' COLLECTOR STREETS
80' ARTERIAL STREETS



**FIGURE 8-5 OPEN DRAINAGE - RURAL STREET DETAILS
 WITH BERMS AND SIDE DITCHES**



**FIGURE 8-6 COMMERCIAL DETAIL CONCRETE
 PAVEMENT CROSS-SECTION WITH CURB (EXAMPLE ONLY)**



See also Paragraph 4.15 (H) (5)

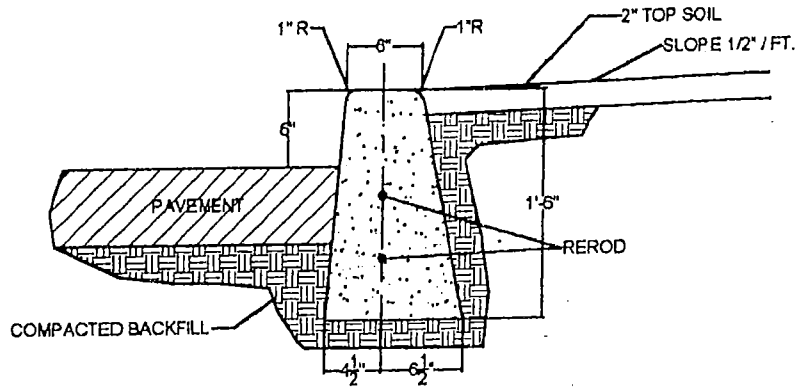
* Note: Varies according to design criteria - Refer to Pavement Widths.

FIGURE 8-7 CUL-DE-SAC TURN-AROUND PLUS DISTANCE TO INTERSECTION WITH STREET CENTERLINE

The Illustration is for residential use, however, the dimensions may vary in other applications e.g. industrial, commercial.

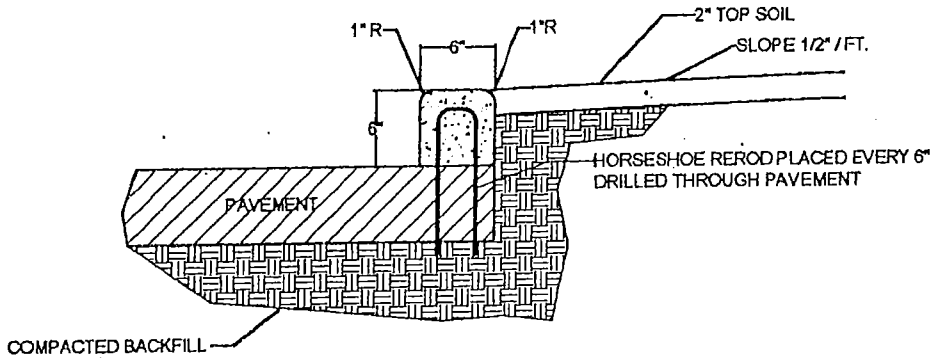
DETAIL: RESIDENTIAL

NO. 1



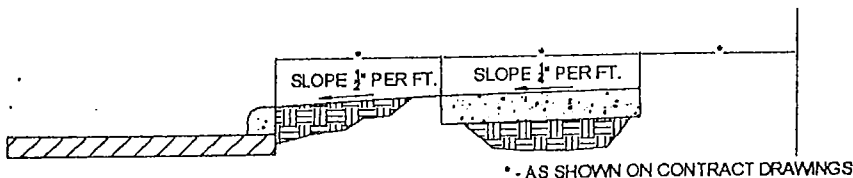
CONCRETE MUST BE 3500 OR 4000 MIX

18" CONCRETE CURB



CONCRETE MUST BE 3500 OR 4000 MIX

PINNED ON 6" CURB



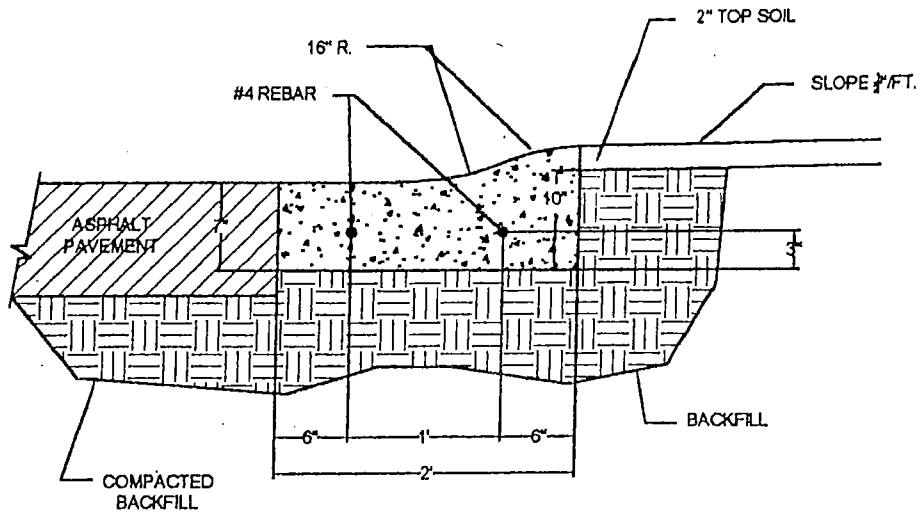
CONCRETE MUST BE 3500 OR 4000 MIX

CONCRETE SIDEWALK

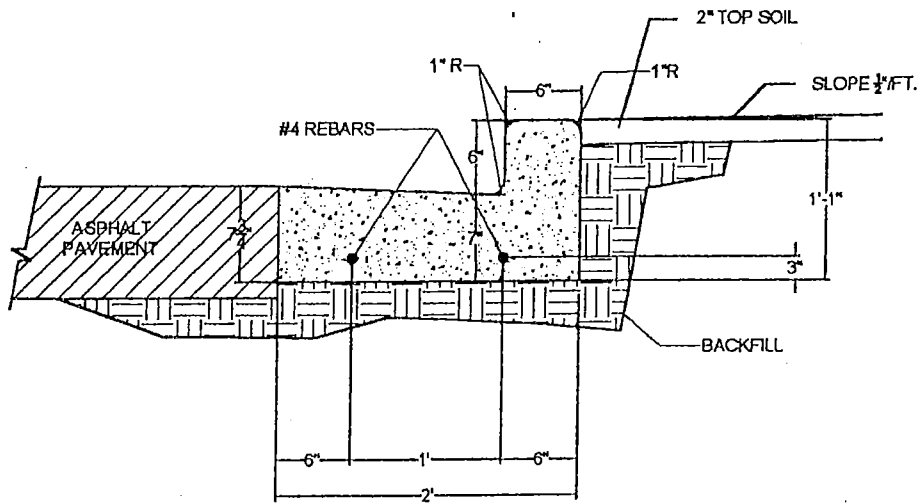
**FIGURE 8-8 RESIDENTIAL DETAIL NO. 1 18" CONCRETE CURB/
PINNED ON 6" CURB/ CONCRETE SIDEWALK**

DETAIL: RESIDENTIAL

NO. 2

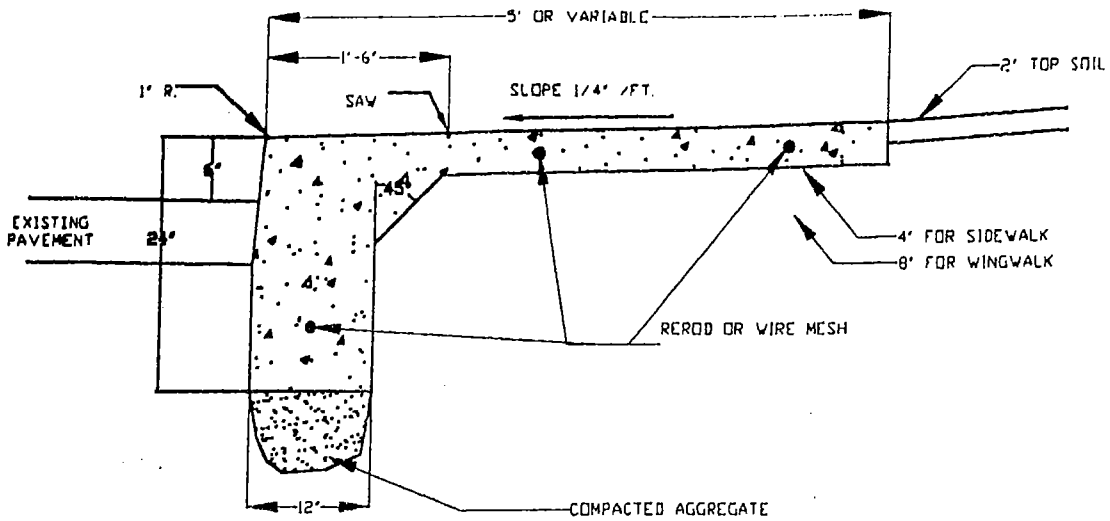


CONCRETE MUST BE 3500 OR 4000 MIX
ROLLED CURB & GUTTER



CONCRETE MUST BE 3500 OR 4000 MIX
6" X 6" CONCRETE CURB & GUTTER

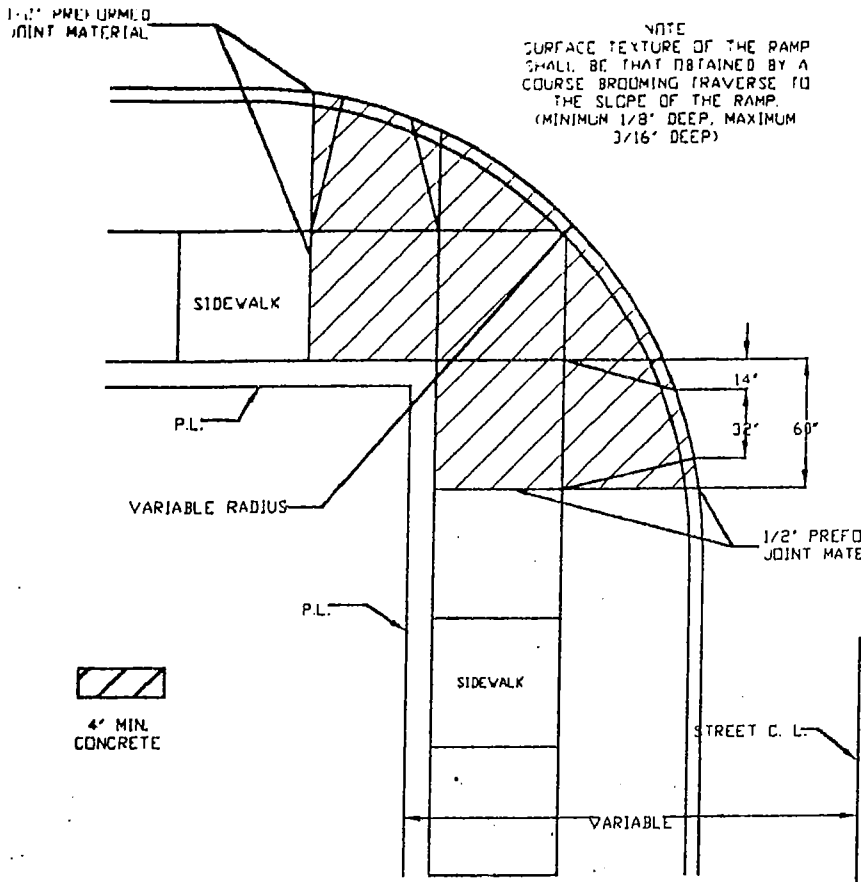
FIGURE 8-9 RESIDENTIAL DETAIL NO. 2 ROLLED CURB AND GUTTER/ 6" X 6" CONCRETE CURB AND GUTTER



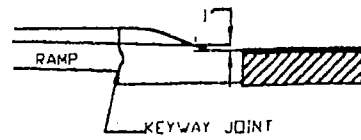
CONCRETE MUST BE 3500 OR 4000 MIX

CURBFACE WALK & WINGWALK

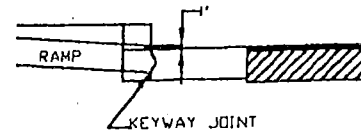
FIGURE 8-10 COMMERCIAL DETAIL - CURBFACE
WALK & WINGWALK



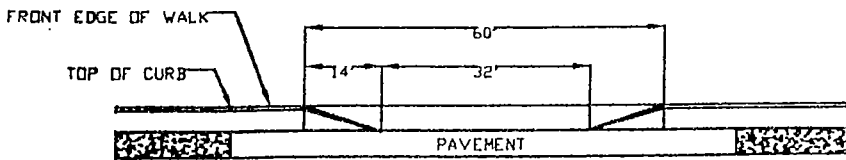
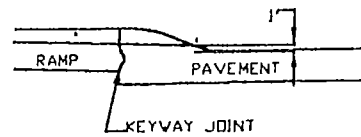
2' ROLLED CURB & GUTTER



2' 6"x6" CURB & GUTTER

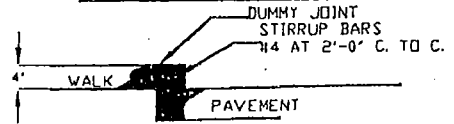


ROLLED CURB PAVEMENT

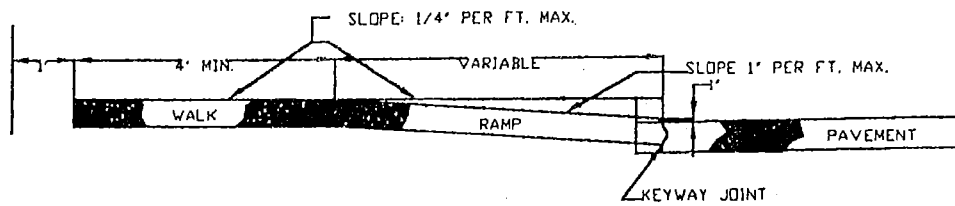


SECTION B - B

6"x6" CURB PAVEMENT

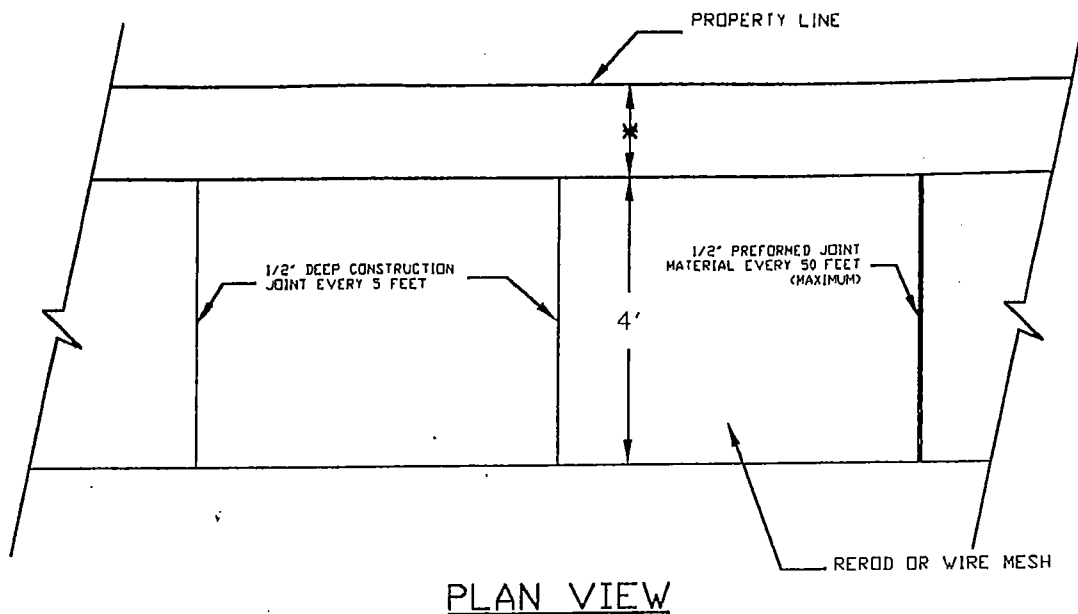


SECTION C - C

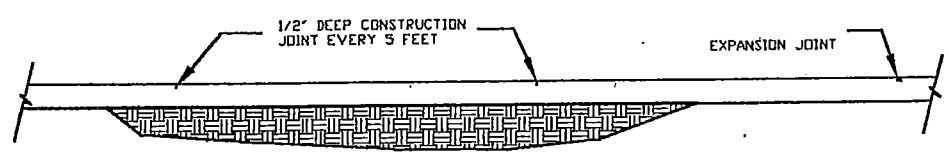


SECTION A - A

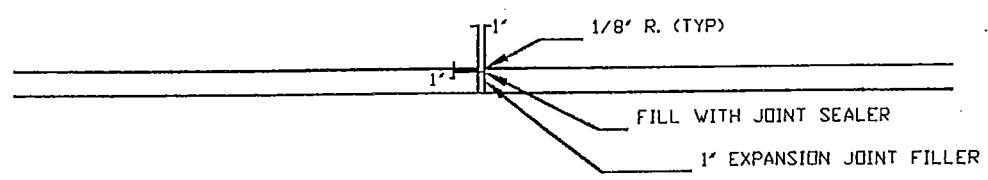
FIGURE 8-11 PARAPLEGIC & BICYCLE RAMP DETAIL



PLAN VIEW



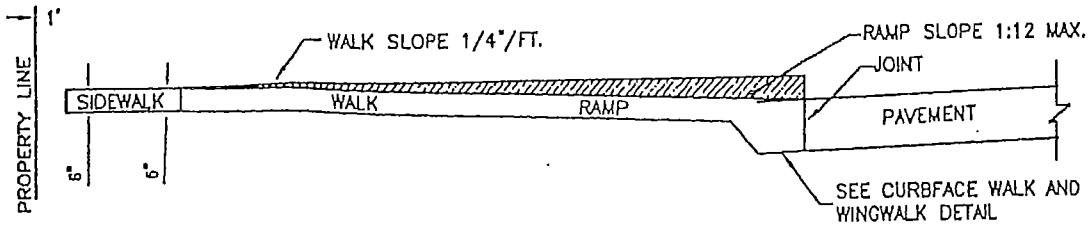
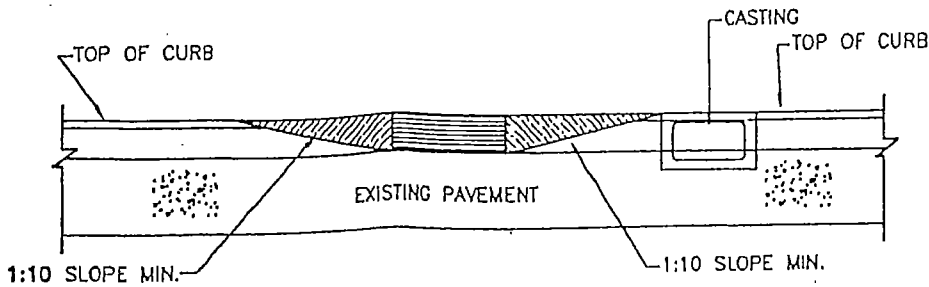
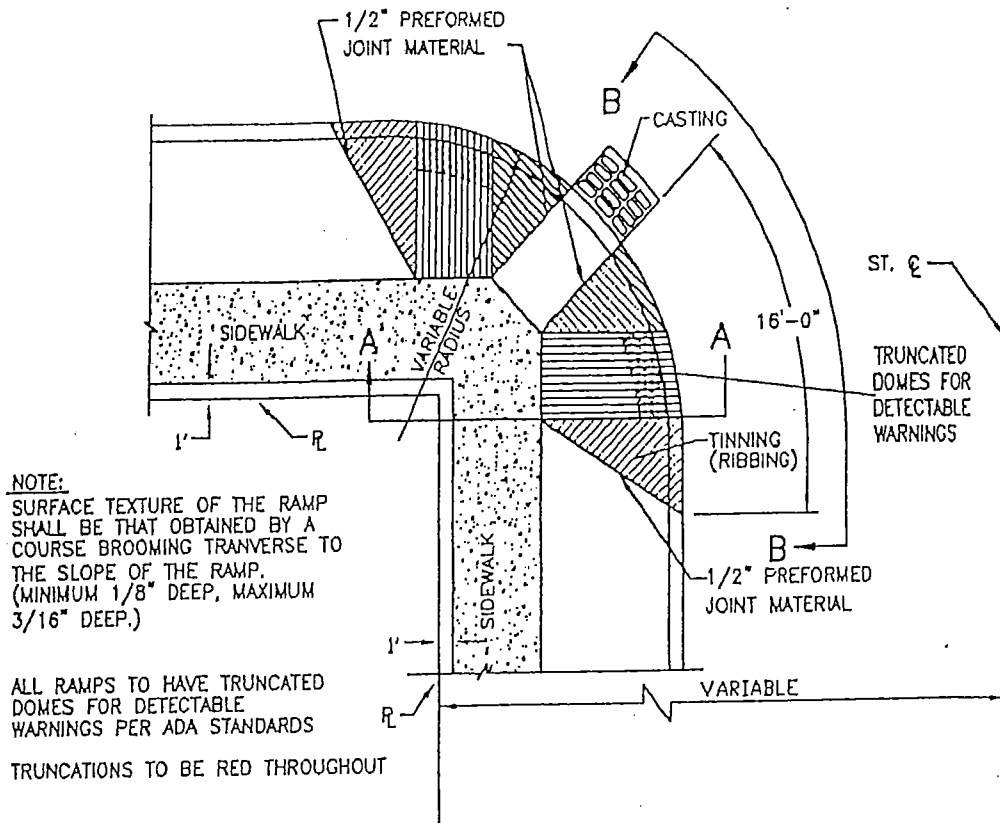
SECTION A - A



1\"/>

CONCRETE MUST BE 3500 OR 4000 MIX

FIGURE 8-12 GENERAL SIDEWALK DETAIL



CURB RAMP
 TYPE "J"
 ○ DETAIL NO SCALE

FIGURE 8-13 INTERSECTION CURB RAMP DETAIL

PASSENGER LOADING ZONES

DIAGRAM 17

1. Where passenger loading zones are provided, at least one must be accessible.
2. The accessible passenger loading zone should be the closest to the accessible entrance and have a minimum vertical clearance of 114 inches.
3. The international symbol of accessibility must be displayed at the passenger loading zone. See diagram 14.
4. The pull up space must be level with a slope no greater than 1:50.
5. A pedestrian aisle must be adjacent to the passenger loading zone, and it must be at least 5 feet wide and 20 feet long. See diagram 15.
6. A curb ramp must be provided where a curb occurs at the passenger loading zone.
7. The pedestrian aisle and parking surface must be firm and slip resistant.
8. The slope of the accessible route adjoining the ramp must be no greater than 1:20. See diagram 18.
9. The width of the curb ramp, not including the flared sides, must be at least 36 inches. See diagram 18.
10. The slope of the flared sides of the curb ramp must be 1:10 or less. See diagrams 17 & 18.
11. Curb ramps must have flared sides or must be protected by a hand rail.
12. Provide detectable warnings on curb ramps that contrast with the walkway. The material used must be an integral part of the surface and consist of raised domes with a nominal diameter of 0.9 inches, a nominal height of 0.2 inches, and a center to center nominal spacing of 2.36 inches.
13. Where grate openings occur, openings must be ½ inch or less, and openings must be placed perpendicular to the usual direction of travel.

FIGURE 8-13 PASSENGER LOADING ZONES - INSTRUCTIONS

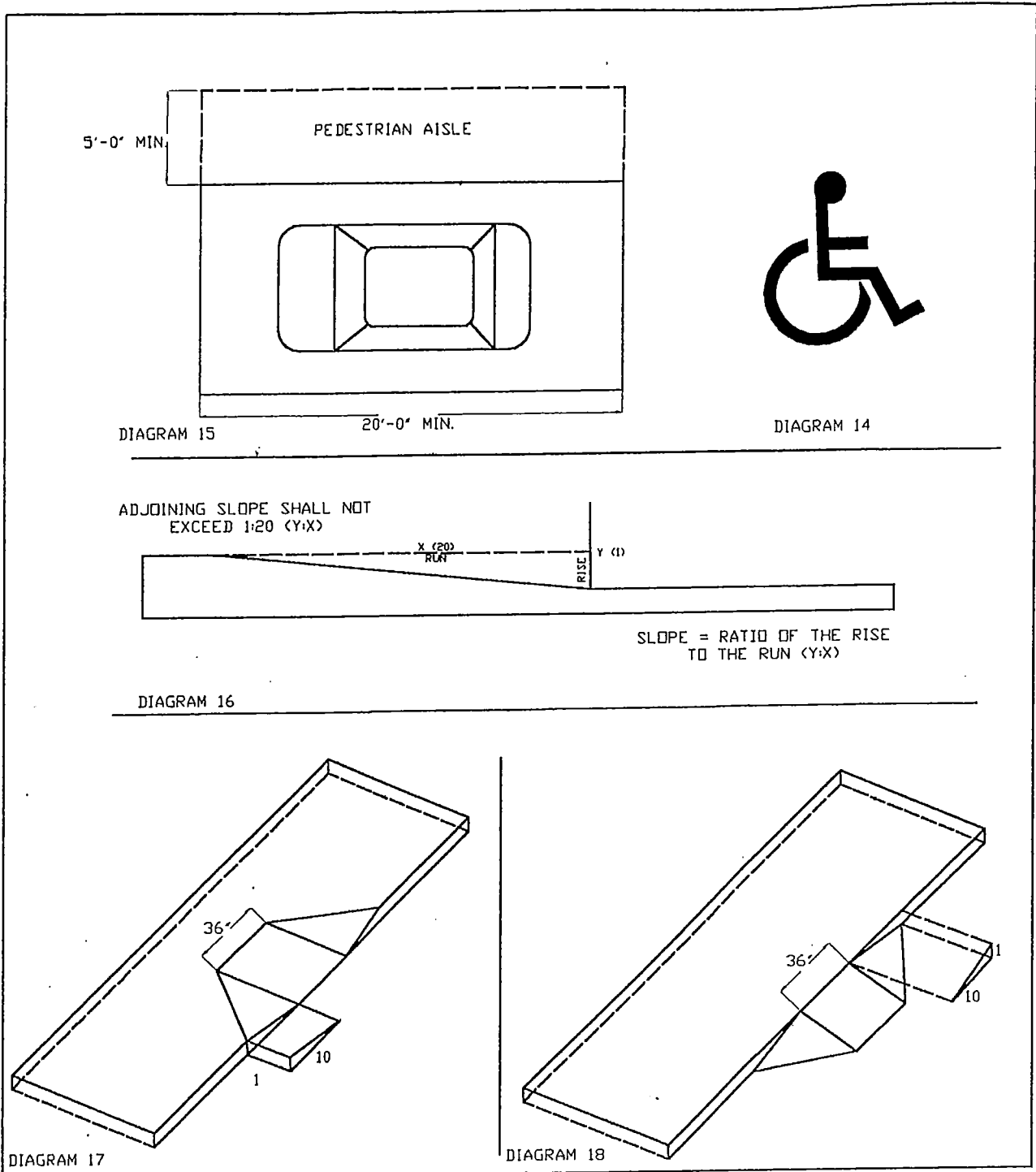


FIGURE 8-14 PASSENGER LOADING ZONES - ILLUSTRATIONS

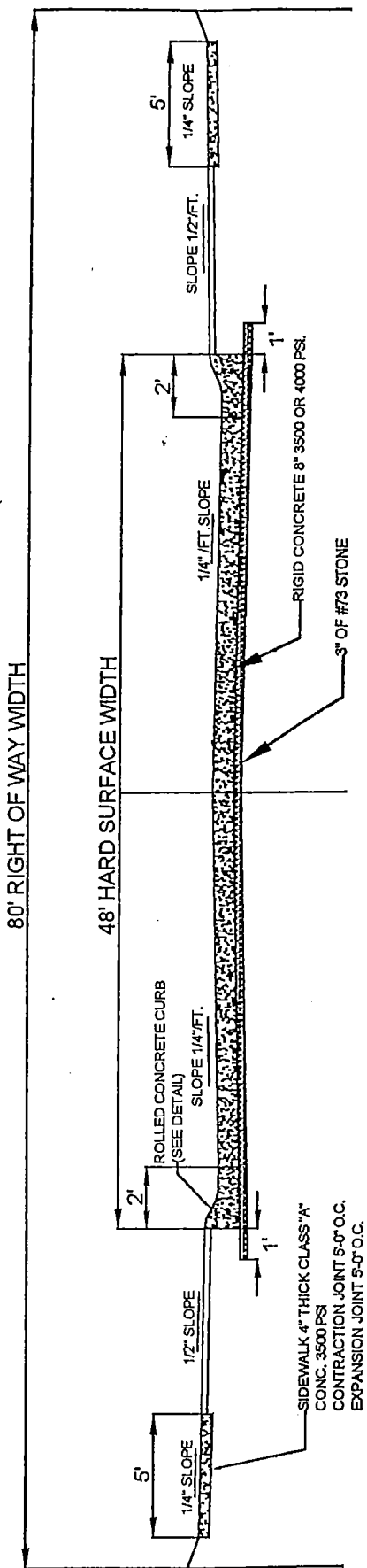


FIGURE 8-15 ARTERIAL STREET CONCRETE DETAIL

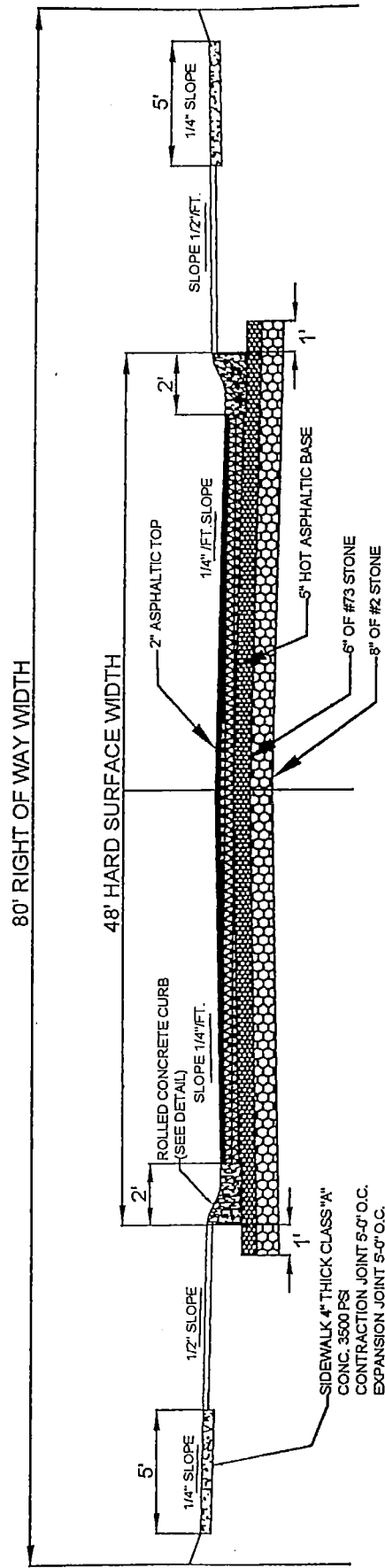


FIGURE 8-16 ARTERIAL STREET ASPHALT DETAIL

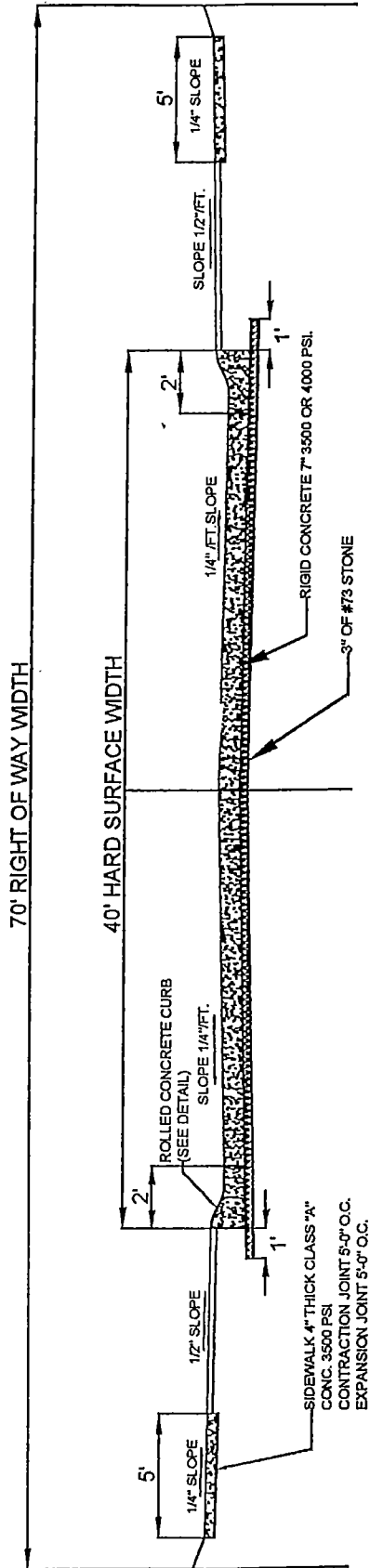


FIGURE 8-17 COLLECTOR STREET CONCRETE DETAIL

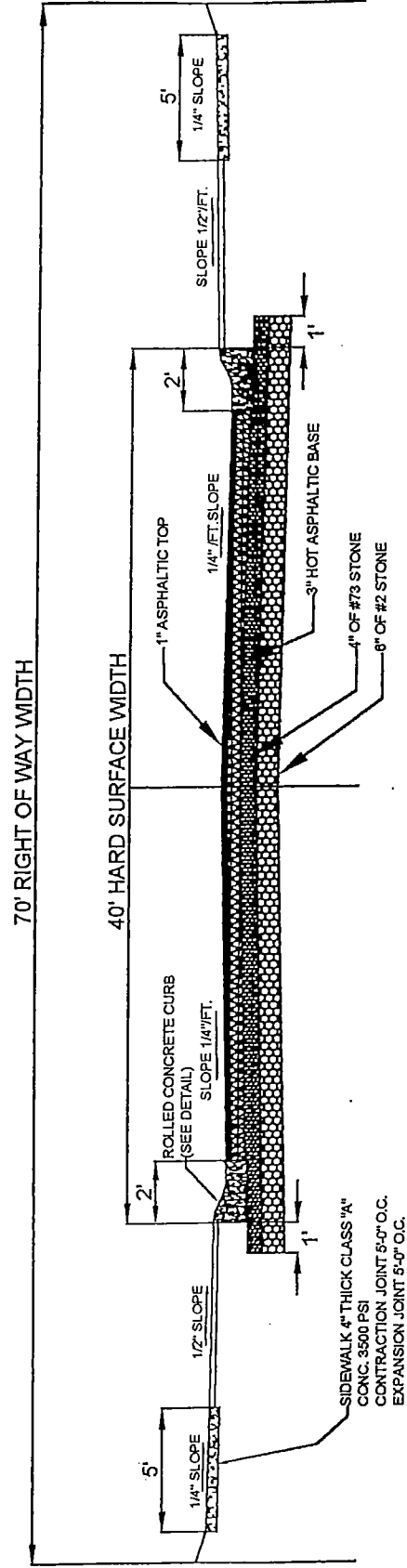


FIGURE 8-18 COLLECTOR STREET ASPHALT DETAIL

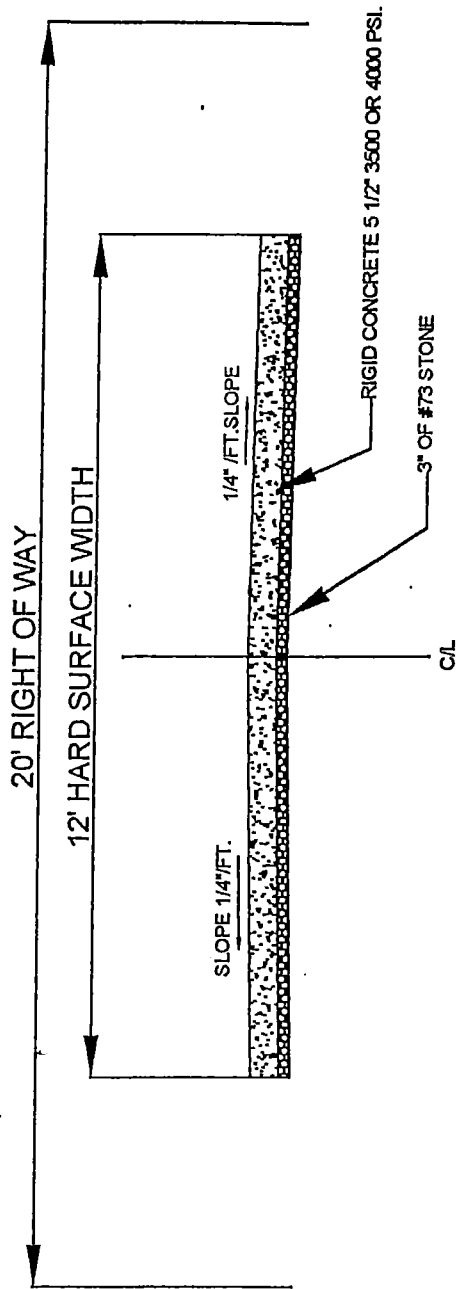


FIGURE 8-21 ALLEY CONCRETE DETAIL

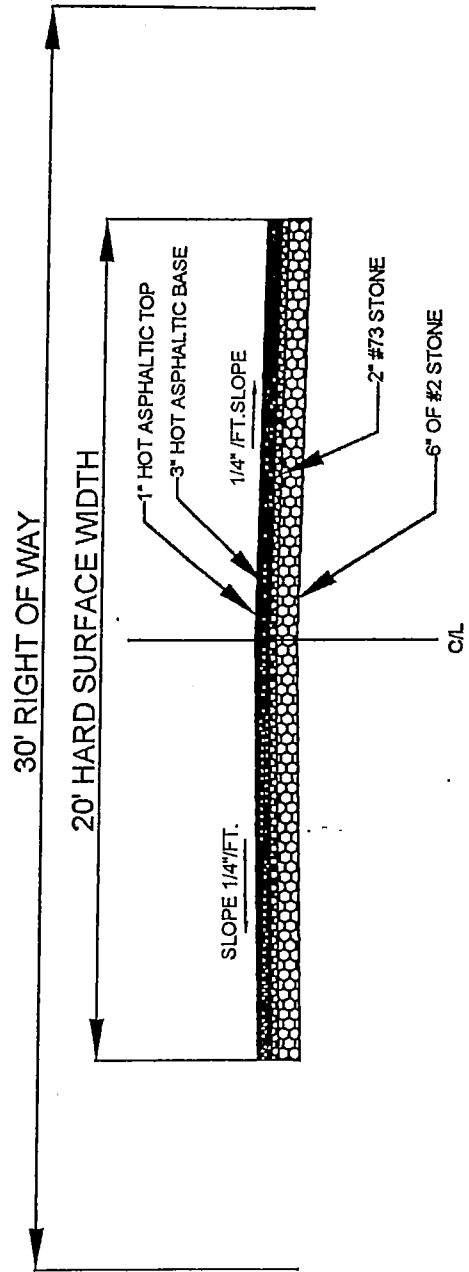


FIGURE 8-22 ALLEY ASPHALT DETAIL

PLAT CERTIFICATES.

The following forms shall be used in final plats:

CERTIFICATES

**APPROVED THIS _____ DAY OF _____, 20____, BY THE
COLUMBIA CITY PLAN COMMISSION.**

**APPROVED THIS _____ DAY OF _____, 20____, BY THE
COLUMBIA CITY BOARD OF PUBLIC WORKS. (OR WHITLEY
COUNTY BOARD OF COUNTY COMMISSIONERS.)**

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

I, THE UNDERSIGNED REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, HEREBY CERTIFY THE HEREON PLAT TO CORRECTLY REPRESENT A SURVEY AS MADE UNDER MY DIRECTION AND THAT THIS SURVEY AND ACCOMPANYING REPORT HAS BEEN COMPLETED IN ACCORDANCE WITH TITLE 865-IAC 1-12 AND ALL OTHER AMENDMENTS THERETO.

CERTIFICATE OF SURVEYOR

I, the undersigned Civil Engineer and Land Surveyor registered under the laws of the State of Indiana, have made a survey of the real estate described above and have established the lots and streets in the foregoing Plat in accordance with true and established boundaries thereof.

I hereby certify that to the best of my knowledge the above Plat and Survey are correct.

Registered Professional Civil Engineer
and Land Surveyor

DEVELOPER:

ENGINEER:

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

DEED OF DEDICATION

I/we _____, being the owner(s) of the above described real estate do hereby subdivide and plat the same into blocks and lots, streets and easements as shown on the Plat to be known as _____, this _____ day of _____, 20____, and do hereby dedicate the easements thus shown to the Board of Public Works (or Board of County Commissioners) for the public use forever, and do hereby subject and impress on all of said land in said Addition the restrictions, covenants, limitations and easements attached hereto and made a part hereof by reference.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

There are strips of ground _____ feet in width as shown on this plat and marked "Easement," reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities. The removal of any obstruction by a utility shall in no way obligate the utility company in damages or to restore the obstruction to its original form.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative or the recommendation of the Commission; important provisions are those specifying the use to be made of the property, and in the case of residential use, the minimum habitable floor area.)

The foregoing covenants, (or restrictions), are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20 ____, (a twenty-five (25) year period is suggested) at which time said covenants, or restrictions, in whole or in part, and approved by the Columbia City Plan Commission. Invalidation of any one of the foregoing covenants, or restrictions, by judgement or court order shall in no way affect any of the other covenants or restrictions, which shall remain in full force and effect.

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

Witness our hands and seals this ____ day of _____, 20 __.

State of Indiana
Whitley County, SS:

Before me the undersigned Notary Public, in and for the County and State, personally appeared _____, _____, _____, and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed. Witness my hand and seal this ____ day of _____, 20 __.

**COLUMBIA CITY SUBDIVISION ORDINANCE
AMENDMENTS AND REVISIONS**

- 1. Chapter 6, 6.01, (B).....Ordinance #2002-3 – Approved 3/12/02.**

- 2. Chapter 4, 4.19;
Chapter 4, 4.20;
Chapter 4, 4.21;
Appendix A, Figures 8-11, 8-12, 8-13
.....Ordinance #2010-13 – Approved 5/25/10.**

- 3. Chapter 3, 3.03, (B);
Chapter 4, 4.13, (A);
Chapter 4, 4.13, (G)-(H);
Chapter 4, 4.15.....Ordinance #2020-31 – Approved 11/10/20.**