

## CHAPTER 154: SUBDIVISION CODE

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## **GENERAL PROVISIONS**

### **§ 154.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALLEY.** A right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the special accommodation of the abutting property.

**BLOCK.** An area that abuts a street and lies between two adjoining streets or barriers such as a railroad right-of-way or a waterway.

**BOARD OF WORKS.** The City Board of Public Works and Safety.

**BUILDING LINE.** The line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line.

**COMMISSION.** The City Plan Commission.

**COMPREHENSIVE PLAN.** The complete plan, or any of its parts, for the development of the area within the jurisdiction of the Commission, prepared by the Commission and adopted in accordance with IC 36-7-4-500.

**CUL DE SAC (COURT or DEAD END STREET).** A short street having one end open to traffic and being permanently terminated by a vehicle turnaround.

**DEVELOPER.** Any person engaged in developing or improving a lot or group of lots or structures thereon for use or occupancy.

**EASEMENT.** A grant by the property owner of the use of a strip of land by the public, a corporation or persons, for specified purposes.

**JURISDICTION OF THE COMMISSION.** The city and the contiguous unincorporated territory shown on a map filed by the Commission with the County Recorder.

**LOT.** A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or development.



**OFFICIAL THOROUGHFARE PLAN.** The part of the Comprehensive Plan, now or hereafter adopted which includes a major street and highway plan and sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, highways and other thoroughfares.

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

**PRIVATE STREET.** A right-of-way which has the characteristics of a street, as defined herein, except that it is not dedicated to the public use. A driveway which is located on a lot and which serves only the use on that lot is not considered as a private street.

**PUBLIC FACILITIES PLAN.** The part of the Comprehensive Plan, now or hereafter adopted, which shows the locations of proposed fire station sites and existing and proposed school, park, or recreational sites.

**STREET (ROAD).** A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property. A street may be designed as a highway, thoroughfare, parkway, boulevard, road, avenue, land, drive, or other appropriate name.

**STREET (or ALLEY) IMPROVEMENT.** The construction of a street or alley to its full thickness, commencing at the subgrade according to the specifications contained in § 154.52. The placing of a new surface over an existing paved or closed surface street or alley shall not be considered as an improvement but as maintenance.

**STREET, COLLECTOR.** A street planned to facilitate the collection of traffic from local streets, and to provide circulation within neighborhood areas and convenient ways for traffic to reach major arterial streets.

**STREET, LOCAL.** A street used primarily for access to abutting properties, usually residential. Certain local streets may be marginal access streets parallel to major arterial streets, therefore, providing access from abutting properties.

**STREET, MAJOR ARTERIAL.** A street providing for through movements of large volumes of traffic. Primary streets are intended to provide access to abutting property subject to necessary control of entrances and exits for traffic movement and where safety conditions warrant.

**STREET, MARGINAL ACCESS.** A road which parallels a major arterial street providing access from abutting property and separated from the highway by a common dividing strip.

**STREET, MINOR ARTERIAL.** A street planned to facilitate the collection of traffic from collector streets and usually located on neighborhood boundaries.

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



**SUBDIVISION.** The division of a parcel of land into two or more lots, parcels, sites, units, plats or interests, for the purpose offer, sale, lease, or development, either on the installment plan or on any and all other plans, terms and conditions, including re-subdivision. **SUBDIVISION** includes all the division or development of land zoned for residential and non-residential uses, whether by deed, metes and bounds, description, devise, intestacy, lease, map, plat or other recorded instrument.

**SUBDIVISION, EXEMPT.** Subdivisions of lots or parcels of record which meet the following conditions:

(1) A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for distribution of property.

(2) A division of land for the acquisition of street right-of-way or easement.

(3) A division of land for the sale or exchange of tracts between adjoining land owners, provided that no additional building lots are created by the division, and when the exchange does not create a non-conforming lot size with the redistribution of land.

(4) A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building lots are created by this division.

(5) A division of land into cemetery plots for the purpose of burial of corpses.

(6) Final survey corrections of property lines for sale of townhouses and other attached dwellings, after construction, if the sale of such lots do not create non-conforming lot sizes and structures in its zoning district. This is allowed only when the perimeter boundaries of the original parcel are in conformance with the previously recorded plan.

(7) Consolidation of more than one lot into a single lot of tract, provided that prior easements are vacated when such easements were recorded along property lines to be eliminated.

(8) A division which is proposed to be legally effectuated by eminent domain proceedings.

(9) A division consisting of lots, all of which are greater than ten acres. In this case, the applicant, must file for plat approval with the Board of Commissioners of Washington County, Indiana.

**ZONING ORDINANCE.** The part of the Comprehensive Plan, now or hereafter adopted, which includes a code section and zone maps which divide the area under the jurisdiction of the Commission into Districts, with regulations and requirements and procedures for the establishment of land use controls.

('86 Code, § 36-7-4-700, Title 1) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83; Am. Ord. 1189, passed 5-10-05)



**§ 154.02 DEVIATION FROM REGULATIONS.**

Where the subdivider can show that a provision of §§ 154.15 through 154.35 would cause unnecessary hardship if strictly adhered to and where, in the opinion of the Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Commission may authorize a deviation. Any deviation requested shall require application at least 21 days prior to the date of the hearing. Certified notification to owners of adjacent land shall be issued at least ten days prior to the hearing. First Class USPS notification to the members of the Salem Plan Commission shall also be issued at least ten days prior to the hearing. The application for deviation shall be accompanied by a check, money order or cash in the amount of \$50 and such amount shall be deposited in the city General Fund. Any deviation authorized by the Commission be entered in writing in the minutes of the Commission and the reasoning on which the same was granted shall be set forth.

('86 Code, § 36-7-4-700, Title 2, Article 6) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83; Am. Ord. 1189, passed 5-10-05)

**PLATS****§ 154.15 APPROVAL OF PLAN COMMISSION REQUIRED.**

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

('86 Code, § 36-7-4-700, Title 2, Article 1) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83) Penalty, see § 154.99

***Cross-reference:***

*Plan Commission, see § 153.02*

**§ 154.16 WRITTEN APPLICATION.**

A subdivider desiring approval of a plat of a subdivision of any land lying within the jurisdiction of the Plan Commission, shall submit a written application therefor to the Office of the Building Commissioner and the Plan Commission. Such application shall be accompanied by the information, requirements and plans set forth in §§ 154.17 through 154.20 of this subchapter, all in accordance with the requirements set forth in this chapter.

('86 Code, § 36-7-4-700, Title 2, Article 2) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83; Am. Ord. 1189, passed 5-10-05)

**§ 154.17 PRELIMINARY PLAT REQUIREMENTS.**

(A) The owner or subdivider shall provide a preliminary plan for the subdivision which shall show the manner in which the proposed subdivision is coordinated with the Comprehensive Plan and its provisions. However, no land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider, or if such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of possible residents and the community as a whole.

(B) The subdivider shall provide the following:

(1) Location map (which may be prepared by indicating the data by notations on available maps) showing:

(a) Subdivision name and location.

(b) Any thoroughfares related to the subdivision.

(c) Existing elementary and high schools, parks and playgrounds serving the area proposed to be subdivided, and other community facilities.

(d) Title, scale, north point and date.

(2) (a) A preliminary plat showing:

1. Proposed name of the subdivision.

2. Names and addresses of the owner, subdivider and the planner, land planning consultant, engineer or surveyor, who prepared the plan.

3. Streets and rights-of-way, on and adjoining the site of the proposed subdivision, showing the names (which shall not duplicate other names of streets in the community, except as designated by the Commission) and including roadway widths, approximate gradients, types and widths of pavement, curbs, sidewalks, crosswalks, tree plantings.

4. Proposed easements: Locations, widths and purposes. Existing utilities and drainage systems, natural or man made: Locations, widths and purpose.

5. Statement concerning the type, location and approximate size or capacity of improvements to be installed as required by §§ 154.30 through 154.35.



6. Layout of lots, showing dimensions and numbers.
7. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semipublic or community purposes.
8. Contours at vertical intervals of two feet if the general slope of the site is less than 10% and at vertical intervals of five feet if the general slope is greater than 10%.
9. Ground water levels stated in inches below ground surface and given at points of lowest ground elevation and a description of the surface drainage system to an approved outlet.
10. Tract boundary lines showing dimensions, bearings, angles, and references to section, township and range lines or corners.
11. Building lines.
12. Legend and notes.
13. Other features or conditions which would affect the subdivision favorable or adversely.
14. Scale, north point and date.

(b) The preliminary plat of the subdivision shall be drawn to a scale of 50 feet to one inch, or 100 feet to one inch. However, if the resulting drawing would be over 36 inches in shortest dimension, a scale as recommended by the Commission may be used.

(3) A description of the protective covenants or private restrictions to be incorporated in the plat of the subdivision along with the following statement: THE CITY OF SALEM DOES NOT ENFORCE SUBDIVISION COVENANTS AND RESTRICTIONS.

(4) *Checkpoint agency submission.* The subdivider shall submit an Application for Improvements along with a copy of the proposed plan to each of the agencies appropriate to the plan's location so that their comment may be made and documented for submission to the Commission. Following is a list of checkpoint agencies;

- (a) Salem Street Department;
- (b) Salem Water Department;
- (c) Salem Sanitary Sewer and Storm Water Department;

- (d) Salem Fire Department;
- (e) Salem Police Department;
- (f) Salem Building Department.

(C) The preliminary plat application shall be accompanied by a certified check or money order in the amount of \$50 plus \$75 for each lot in the proposed subdivision to cover the cost of checking and verifying the proposed plat, and such amount shall be deposited in the City General Fund.

('86 Code, § 36-7-4-700, Title 2, Article 2, Step 1) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83; Am. Ord. 1182, passed 4-12-05; Am. Ord. 1189, passed 5-10-05) Penalty, see § 154.99

#### **§ 154.18 PRELIMINARY PLAT APPROVAL.**

(A) After an application for approval of a plat of a subdivision, together with two copies of all maps and data, has been filed with the Office of the Building Commissioner and Plan Commission, and within 90 days from the date of application for approval, the Office of the Building Inspector shall review the preliminary plat and set a date for the public hearing. The cost of the notice of the public hearing shall be met by the applicant. The applicant shall also follow the rules and procedures of the Plan Commission as to any additional requirements on filing a subdivision plat. A copy of the rules and procedures may be picked up on the Office of the Building Inspector. No preliminary plat will be considered in the meeting of the Plan Commission unless it has been filed at least ten days before the date of such meeting.

(B) Following the hearing of the preliminary plat, the Commission shall notify the applicant in writing that it has approved the preliminary plat and is ready to receive the final plat, or shall advise the applicant of any further changes in the preliminary plat which are desired or should have consideration before approval will be given.

(C) Any subdivider who has previously obtained final plat approval for another tract of real estate who has failed to complete the improvements in that subdivision as required by § 154.20(A)(3) shall not be eligible to obtain final plat approval on another tract of real estate until such time as the improvements in the other subdivision are completed and accepted by the Board of Public Works and Safety of the city. ('86 Code, § 36-7-4-700, Title 2, Article 2, Step 2) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83; Am. Ord. 1189, passed 5-10-05; Am. Ord. 1208, passed 12-13-05)

#### **§ 154.19 FINAL PLAT SPECIFICATIONS.**

The final plat shall meet the following specifications:



(A) The final plat may include all or only a part of the preliminary plat which has received approval.

(B) The original drawing of the final plat of the subdivision shall be on a plastic material known as "Mylar." The final plat shall be drawn on a scale of 50 feet to one inch, provided that if the resulting drawing would require a plat dimension in excess of 24 inches by 36 inches, then a scale of 100 feet to one inch shall be used. In order to meet the recording requirements of the recorder of Washington County, the preferred size of a Mylar plat to be recorded is 20 by 24 inches. In no case, will a Mylar plat for recording in excess of 24 inches by 36 inches be permitted. Three black or blue line prints shall be submitted with the original final plat for the review of the Plan Commission in addition to the reproducible original on Mylar. The plat copies may be of a larger dimension than the maximum size permitted for recording.

(C) The following basic information shall be shown:

(1) Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one foot in 5000 feet.

(2) Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.

(3) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.

(4) Accurate metes and bounds description of the boundary.

(5) Source of title of the applicant to the land as shown by the last entry in the books of the County Recorder.

(6) Street names.

(7) Minimum curve notes for all curves included in the plan.

(8) Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley and lot lines.

(9) Lot numbers and dimensions.

(10) Accurate locations of easements for utilities and any limitations on such semi-public or community use.

(11) Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.

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- (12) Building lines and dimensions.
- (13) Location, type, material and size of all monuments and lot markers.
- (14) Plans and specifications for the improvements required in this chapter.
- (15) Restrictions of all types which will run with the land and become covenants in the deed for lots.
- (16) Name of the subdivision.
- (17) Name and address of the owner and subdivider.
- (18) North point, scale and date.
- (19) Certification by a registered land surveyor.
- (20) Certification of dedication of streets and other public property.
- (21) Certificate for approval by the Commission.
- (22) Certificate for approval by the Board of County Commissioners, if required.

(D) The subdivider shall provide an Erosion Control Plan for the proposed subdivision meeting the requirements of §§ 151.16(B) and 151.18(A). This plan must be submitted to the Office of the Washington County Soil and Water Conservation District for review, comment and approval by the Washington County Soil and Water Conservation District, or its designees or agents, prior to the submission of the final plat to the Office of the Building Inspector and the Plan Commission. ('86 Code, § 36-7-4-700, Title 2, Article 2, Step 3) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83; Am. Ord. 649, passed 5-1-89; Am. Ord. 1043, passed 7-10-01)

**§ 154.20 FINAL PLAT APPROVAL.**

(A) When the final plat is submitted to the Plan Commission, it shall be accompanied by a notice from the Board of Works stating that there has been filed with and approved by that body, one of the following:



(1) A certificate that all improvements and installations for the subdivision required for its approval have been made or installed in accordance with specifications; or

(2) A bond which shall:

(a) Run to the Council.

(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 the completion of the improvements and installations.

(3) All improvements shall be completed within a period of one year from the date of approval of the final plat.

(B) Upon the completion of the improvements and installations required of a subdivider for the approval of a final plat, and prior to the acceptance thereof for public maintenance by the Council or, if applicable, to any other governmental unit, the subdivider shall provide a three year maintenance bond which shall:

(1) Run to the Council and, if applicable, to any other governmental unit having a legal responsibility for the maintenance of the improvements and installations.

(2) Be in an amount equal to 20 % of the cost of the improvements and installations as estimated by the Board.

(3) Provide surety satisfactory to the Commission.

(4) Warrant the workmanship and all materials used in the construction, installation and completion of the improvements and installations to be of good quality and have been constructed and completed in a workmanlike manner in accordance with the standards, specifications and requirements of this chapter and the satisfactory plans and specifications therefor. The subdivider shall also submit as built plans to any appropriate government unit or agency. The subdivider shall also install lot number markers, on each lot, with the lot number visible from street adjoining lot. The marker shall be of a construction that will withstand weather and of a height of 20 inches to 36 inches. The numbers shall also be three inches in height to allow readability from street or road.

(5) Provide that for a period of three years after the installations and improvements have been completed or are accepted for public maintenance by any appropriate governmental unit or agency thereof, the subdivider shall at his own expense make all repairs to the improvements and installations,

or the foundations thereof, which may become necessary by reason of improper workmanship or materials, with such maintenance, however, not to include any damage to the improvements and installations resulting from forces of circumstances beyond the control of the subdivider or occasioned by the inadequacy of the standards, specifications, or requirements of this chapter.

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

('86 Code, § 36-7-4-700, Title 2, Article 2, Step 4) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83; Am. Ord. 1189, passed 5-10-05)

### ***PRINCIPLES AND STANDARDS OF DESIGN***

#### **§ 154.30 CONFORMANCE WITH SUBCHAPTER; COMPREHENSIVE PLAN REQUIRED.**

The final plat of the subdivision shall conform to the principles and standards of design, which follow in this subchapter. The subdivision plan shall conform to the principles and standards which are generally exhibited in the Comprehensive Plan now or hereafter adopted.

('86 Code, § 36-7-4-700, Title 2, Article 3, § 1) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83) Penalty, see § 154.99

***Cross-reference:***

*Comprehensive Plan, see § 153.01*

#### **§ 154.31 STREETS.**

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

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

(C) Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.

(D) 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.



(E) Widths of major and minor arterial and collector streets shall conform to the width specified in "Urban Typical Thoroughfare Cross-Sections", dated 1970 and 1983.

(F) (1) The minimum right-of-way of local streets or cul-de-sacs in urban areas shall be 60 feet except that local streets located in subdivisions consisting of lots equal to or greater than nine-tenths (.9) of an acre per lot shall be required to have a pavement 26 feet in width instead of 32 feet in width as shown in the "Urban Typical Thoroughfare Cross Sections" dated 1970 which is part of this chapter.

(2) The minimum right-of-way of collector streets in rural areas shall be 60 feet unless otherwise designated by the official thoroughfare plan as requiring a minimum right-of-way of 80 feet.

(3) All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of 100 feet, or other arrangement for the turning of vehicles conveniently within the right-of-way.

(G) Alleys shall be discouraged in residential districts but should be included in commercial and industrial areas where needed for loading and unloading or access purposes, and where platted shall be at least 20 feet in width.

(H) The center lines of streets should intersect as nearly at right angles as possible.

(I) At intersections of streets and alleys, property line corners shall be rounded by arcs of at least 20 feet radii or by chords of such arcs.

(J) At intersections of streets, the property line corners shall be rounded by arcs with radii of not less than 15 feet, or by chords of such arcs.

(K) If the smaller angle of intersection of two streets is less than 60°, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Commission.

(L) Intersections of more than two streets at one point shall be avoided.

(M) Where parkways or special types of streets are involved, the Commission may apply special standards to be followed in their design.

(N) Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way, or a major or minor arterial street, provision shall be made for a marginal access street, or a parallel street adjacent to such railroad right-of-way or major or minor arterial street. As a general principle, intersections of such marginal access streets or parallel streets shall not exist at less than ¼-mile intervals with major arterial streets or at less than ⅛-mile intervals with minor arterial streets.

(O) Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center lines as follows:

(1) Major arterial streets: 500 feet.

(2) Minor arterial streets: 300 feet.

(3) Collector streets: 150 feet.

(P) Curvature measured along the center line shall have a minimum radius as follows:

(1) Major arterial streets: 500 feet.

(2) Minor arterial streets: 300 feet.

(3) Collector streets: 200 feet.

(Q) Between reversed curves on major and minor arterial streets there shall be a tangent of not less than 100 feet and on collector and residential streets such tangent shall be not less than 40 feet.

(R) Maximum grades for streets shall be as follows:

(1) Major and minor arterial streets, not greater than 6%.

(2) Collector streets, local streets and alleys, not greater than 8%.

(S) The minimum grade of any street gutter shall not be less than 0.3%.

(T) All streets and traffic patterns designed for a subdivision as provided in § 154.33(H) shall be designed to discourage through traffic.

('86 Code, § 36-7-4-700, Title 2, Article 3, § 2) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83; Am. Ord. 548, passed 9-8-86) Penalty, see § 154.99

## **§ 154.32 BLOCKS.**

(A) Blocks should not exceed 1,250 feet in length.

(B) 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 major or minor arterial street or a railroad right-of-way.

('86 Code, § 36-7-4-700, Title 2, Article 3, § 3) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83) Penalty, see § 154.99



**§ 154.33 LOTS.**

- (A) All lots shall abut on a public or private street.
- (B) Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots shall be avoided.
- (C) Double frontage lots shall not be platted, except that, where desired along limited access highways or major or minor arterial streets, lots may face on an interior street and back on such thoroughfares. In that event, a planting strip for a screen, at least 20 feet in width shall be provided along the back of each lot.
- (D) Widths and areas of lots shall be not less than that provided in the zoning code for single-family dwellings for the district in which the subdivision is located, except that when a water main supply system or a sanitary sewer system are not available, the lot area necessary to install a private water supply or private sewage disposal on the lot in accordance with the State Board of Health regulations shall become the required minimum lot area.
- (E) The depth-to-width ratio of the usable area of a lot shall be a maximum of three to one.
- (F) Wherever possible, unit shopping centers, based upon sound development standards, should be designed in contract to the platting of lots for individual commercial use.
- (G) Corner residential lots shall be wide enough to permit appropriate setbacks from both streets.
- (H) All lots located in subdivisions where all lots are nine-tenths (.9) of an acre or more in area shall be subject to the following requirements:
  - (1) Each lot shall have an average width of at least 140 feet with a depth to width ratio of the useable area of the lot to be a maximum of 2½ to one, provided, that these provisions are not in conflict with the lot requirements of the city zoning code.
  - (2) Each lot shall provide at least four off-road parking spaces with this parking area to be within 25 feet of the foundation of the residence to be constructed on this lot.
  - (3) No structure shall be erected on any such lot closer than 75 feet to the front line of any such lot.
  - (4) The plat of any subdivision subject to this section shall contain a restrictive covenant that will permit no parking of motor vehicle upon the paved portion of the dedicated right-of-way. Any

developer of a subdivision under this section shall permit the city to impose such parking restrictions under the terms of Title VII of this code of ordinances.

('86 Code, § 36-7-4-700, Title 2, Article 3, § 4) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83) Penalty, see § 154.99

#### **§ 154.34 EASEMENTS.**

Where alleys are not provided, easements for utilities shall be provided. Such easements shall have minimum widths of 20 feet, and where located along lot lines, one-half the width shall be taken from each lot. In the case of lots extending to the boundary of the lands plotted and not adjoining another plat, the full width of the easement shall be provided on such peripheral lots. Before determining the location of easements the plan shall be discussed with the local public utility companies to assure their proper placing for the installation of such services.

('86 Code, § 36-7-4-700, Title 2, Article 3, § 5) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83; Am. Ord. 1189, passed 5-10-05) Penalty, see § 154.99

#### **§ 154.35 BUILDING LINE.**

Building line requirements shall be as provided in the zoning code.

('86 Code, § 36-7-4-700, Title 2, Article 3, § 6) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83)

***Cross-reference:***

*Zoning Code, see Chapter 156*

### **IMPROVEMENTS**

#### **§ 154.50 CONFORMANCE WITH SUBCHAPTER REQUIRED.**

The improvement of the subdivision shall conform to the following standards set forth in this subchapter.

('86 Code, § 36-7-4-700, Title 2, Article 4) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83) Penalty, see § 154.99



**§ 154.51 MONUMENTS AND MARKERS.**

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

(B) Monuments shall be set:

- (1) At the intersection of all lines forming angles in the boundary of the subdivision.
- (2) At the intersection of street property lines.

(C) Markers shall be set:

- (1) At the beginning and ending of all curves along street property lines.
- (2) At all points where lot lines intersect curves, either front or rear.
- (3) At all angles in property lines of lots.
- (4) At all other lot corners not established by a monument.

(D) Monuments shall be of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of four inches by four inches by 30 inches. They shall be marked on top with an iron or copper dowel set flush with the top of the monument or deeply scored on top with a cross. Markers





shall consist of iron pipes or steel bars at least 24 inches long, and not less than 3/8-inch in diameter. ('86 Code, § 36-7-4-700, Title 2, Article 4, § 1) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83) Penalty, see § 154.99

### § 154.52 STREETS.

(A) Streets (and alleys where provided) shall be completed to grades shown on plans, profiles, and cross-sections, provided by the subdivider, and prepared by a licensed surveyor and approved by the Commission.

(B) The streets shall be graded, surfaced and improved to the dimensions required by such plans, profiles and cross-sections and the work shall be performed in the manner prescribed in "Standard Specifications for Road and Bridge Construction and Maintenance"--(current issue) of the State Highway Commission of Indiana. References in the following paragraphs refer to the S.H.C. of I. Standard Specifications.

(C) The street pavement shall be of portland cement concrete or a flexible pavement of a width as shown by the illustration "Urban Typical Thoroughfare Cross Sections", dated 1978 and 1983, and shall be constructed in accordance with design characteristics at least equal to those given below, except as modified by division (D) of this section or as modified by division (F) of this section:

<b>DESIGN CHARACTERISTICS OF STREET AND ALLEY PAVEMENTS</b>				
<i>Kind of Pavement and Thickness</i>	<i>Major and Minor Arterial</i>	<i>Collector</i>	<i>Local</i>	<i>Alley</i>
<b>PORTLAND CEMENT CONCRETE</b>				
Uniform thickness	8"	7"	6"	6"
<b>FLEXIBLE</b>				
Surface - Asphaltic Concrete Type "B"	1½"	1½"	1"	1"
Binder - Asphaltic concrete or bituminous coated blended aggregate	2"	2"	2"	2"
Base - Compacted aggregate or water bound macadam	10"	6"	4"	4"
Subbase - Type	6"	6"	4"	4"
Total Thickness	10½"	15½"	11"	11"

Material Types as set out in State Highway Commission Specifications. Collector street design to be used on local streets serving industrial or commercial developments.



(D) Where major or minor arterial streets are located within the subdivision as specified in this chapter, the subdivider shall construct such street pavement in accordance with the requirements for collector streets set forth in division (C) of this section. For the purpose of constructing major and minor arterial street pavements according to the design characteristics set forth in division (C) of this section, the Board is authorized to use funds available for such purposes to participate with the subdivider in the cost of such construction, provided, however, that such participation shall be limited to that cost, which is additional to the cost of constructing the required collector street improvement.

(E) Prior to placing the street and alley surfaces, adequate drainage for the street shall be provided by the subdivider. Culvert drainage pipe, when required, shall be coated corrugated metal pipe or a similar type not less than 12 inches in diameter approved by the Plan Commission. Upon the completion of the street and alley improvements, plans and profiles as built shall be filed with the Commission for transmittal to the Board of Works.

(F) Where local streets are located within a subdivision pursuant to the provisions of § 154.31(F) of this chapter then the unpaved portion of the right-of-way exclusive of the paved portion of the street and the curb and gutter portion shall be 19 feet in width including appropriate drainage and shall be maintained at the grade and level of the adjacent local street. Temporary parking by nonresidents shall be permitted on this unpaved portion of the right-of-way.  
( '86 Code, § 36-7-4-700, Title 2, Article 2, § 2) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83) Penalty, see § 154.99

#### **§ 154.53 SEWERS.**

(A) The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect with an existing approved sanitary sewer outlet, except that when such approved outlet is not available, one of the following methods of sewage disposal shall be used:

(1) A complete sanitary sewer system, separated from storm sewers, to convey the sewage to a treatment plant, to be provided by the subdivider in accordance with the minimum requirements of the State Board of Health and/or the State Stream Pollution Control Board.

(2) A private sewage disposal system on individual lots consisting of a septic tank and tile absorption field or other approved sewage disposal system, when laid out in accordance with the minimum standards of the State Board of Health (refer to 410 IAC 6-8.1-1 through 6-8.1-57) and attested to by a registered professional engineer, provided, however, that a private sewage disposal system on individual lots consisting of a septic tank and tile absorption field shall not be permitted if the water table is, under normal seasonal conditions, less than 30 inches below the ground surface.

(B) The plans for the installation of a sanitary sewer system shall be provided by the subdivider and approved by the State Board of Health (Refer to Regulation HSE 14, I.S.B.H.). Upon the completion of the sanitary sewer installation, the plans for such system as built shall be filed with the Commission for transmittal to the Board of Works.

(C) In this section, and § 154.54, the phrase "the subdivider shall provide" shall be interpreted



to mean that the subdivider shall install the facility referred to, or whenever a private sewage disposal system or an individual water supply is to be provided, that such facilities referred to in these sections shall be installed by the developer of the lots in accordance with these regulations.

('86 Code, § 36-7-4-700, Title 2, Article 4, § 3) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83) Penalty, see § 154.99

#### **§ 154.54 WATER.**

(A) The subdivider shall provide the subdivision with a complete water main supply system, which shall be connected to an existing approved municipal or community water supply, except that when such municipal or community water supply is not available, the subdivider shall provide one of the following:

(1) A complete community water supply system to be provided in accordance with the minimum requirements of the State Board of Health.

(2) An individual water supply on each lot in the subdivision in accordance with the minimum requirements of the State Board of Health (refer to Bulletins No. S.E. 7 and 15, Safe Water Supplies, current issue).

(B) The plans for the installation of water main supply system shall be provided by the subdivider and approved by the State Board of Health (refer to Regulation HSE 5, I.S.B.H.). Upon completion of the water supply installation, the plans for such system as built shall be filed with the Commission for transmittal to the Board of Works.

('86 Code, § 36-7-4-700, Title 2, Article 4, § 4) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83) Penalty, see § 154.99

#### **§ 154.55 STORM DRAINAGE.**

(A) The subdivider shall provide the subdivision with an adequate storm water sewer system, separated from the sanitary sewer system, whenever curb and gutter is installed and/or whenever the evidence available to the Commission indicates that the natural surface drainage is inadequate, easements for such surface drainage shall be provided. Deep open ditches for drainage shall not be permitted in the street, but where curbs and gutters are not provided, a shallow swale with its low point at least three inches below the elevation of the subgrade of the pavement may be permitted.

(B) In a subdivision where curbs and gutters 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:

(1) A corrugated metal pipe, at least 12 inches in diameter and 14 feet in length to be placed where required for each driveway; or

(2) A properly dipped or swaled concrete pavement, 14 feet in length, six feet in width and



six inches thick, designed so as not to create a hazard to the underparts of automobiles, at the entrance of each driveway.

('86 Code, § 36-7-4-700, Title 2, Article 4, § 5) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83) Penalty, see § 154.99

#### **§ 154.56 CURB AND GUTTER.**

(A) Curbs and gutters with an overall width of two feet as shown in Appendix B following this chapter, shall be constructed along all local streets in subdivisions in all residential zones if the subdivision is located either within the corporate limits of the city or if the subdivision is to be served by both the City Waterworks and Sewer Works.

(B) The curb and gutter shall be of the construction type shown in Appendix B following this chapter and 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.

(2) The minimum specifications shall be as shown for the type of cross-section in Appendix B following this chapter.

(3) All concrete used in the curb and gutter shall meet the State Highway Specifications for Class D concrete.

(4) Integral or monolithic curb of the same dimensions as shown in Appendix B may be built on concrete pavement, provided the pavement widths are maintained as required in this chapter. ('86 Code, § 36-7-4-700, Title 2, Article 4, § 6) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83; Am. Ord. 548, passed 9-8-86) Penalty, see § 154.99

#### **§ 154.57 SIDEWALKS.**

(A) Wherever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with sidewalks, or whenever the proposed subdivision will average more than 3½ lots per gross acre included in the subdivision, the Plan Commission shall require sidewalks to be installed on each side of the street.

(B) When sidewalks are required, they shall be constructed of portland cement concrete, at least four inches thick, and four feet wide and placed as shown by illustration, "Urban Typical Thoroughfare Cross-Sections," dated 1970.

('86 Code, § 36-7-4-700, Title 2, Article 4, § 7) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83) Penalty, see § 154.99



**§ 154.58 STREET SIGNS.**

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

('86 Code, § 36-7-4-700, Title 2, Article 4, § 8) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83) Penalty, see § 154.99

**§ 154.59 CITY INSPECTIONS.**

Before the commencement of the installation or actual construction of any street, curb and gutter, or sidewalk, the developer shall give the city notice of at least 24 hours before actual construction will begin. At its option, the city may approve the construction as it progresses and may inspect the same at any time. No sewer line shall be covered until an inspection has been made. If the City Inspector shall determine that any deviation from the plans and specifications of the work is being made, he may reasonably request that all work be stopped and he shall notify the Mayor in what particular such work deviated from the plans or specifications. The developer shall not continue with the work until specific approval has been issued by the Mayor.

('86 Code, § 36-7-4-700, Title 2, Article 4, § 9) (Ord. 297-A, passed 6-7-71; Am. Ord. 402, passed 12-1-80; Am. Ord. 453, passed 5-2-83) Penalty, see § 154.99

**§ 154.99 PENALTY.**

Any person who violates any provision of this chapter for which no penalty is otherwise provided shall, upon conviction, be subject to a fine not exceeding \$2,500. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.





## APPENDIX A: PLAT CERTIFICATES AND DEED OF DEDICATION

## Section

1. Commission Certificate
2. County Commissioners Certificate
3. Surveyors Certificate
4. Deed of Dedication

The following forms shall be used in final plats:

**§ 1. COMMISSION CERTIFICATE.**

UNDER AUTHORITY PROVIDED BY INDIANA CODE 36-7-4-700 AND SALEM CITY CODE CHAPTER 154, THIS PLAT WAS GIVEN APPROVAL AS FOLLOWS:

Approved by the Salem Plan Commission at a meeting held \_\_\_\_\_, 19\_\_.

SALEM PLAN COMMISSION

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

(SEAL)

**§ 2. COUNTY COMMISSIONERS CERTIFICATE.**

When all or any part of a subdivision is located in the unincorporated area of the county, the following certificate shall be shown on the final plat:

**COUNTY COMMISSIONERS CERTIFICATE**

UNDER AUTHORITY PROVIDED BY INDIANA CODE 36-7-4-700, THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, INDIANA, AT A MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_.

BOARD OF COUNTY COMMISSIONERS

ATTEST:

\_\_\_\_\_  
COUNTY AUDITOR

(SEAL)

**§ 3. SURVEYORS CERTIFICATE.**

"I, \_\_\_\_\_, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME ON \_\_\_\_\_, THAT ALL THE MONUMENTS SHOWN THEREON ACTUALLY EXIST, AND THAT THE LOCATION, SIZE, TYPE AND MATERIAL OF SAID MONUMENTS ARE ACCURATELY SHOWN."

\_\_\_\_\_  
Signature

(SEAL)

**§ 4. DEED OF DEDICATION.**

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

"We, the undersigned \_\_\_\_\_, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the within plat.

This subdivision shall be known and designated as \_\_\_\_\_, an addition to \_\_\_\_\_. All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

Front and side yard building 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 utilities for the installation of water and sewer mains, surface drainage, 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 utilities.



(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative or upon 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), shall be automatically extended for successive periods of ten (10) years unless changed by vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, in whole or in part. Invalidity of any one of the foregoing covenants or restrictions, by judgment or court order shall in no way affect any of the other covenants or restrictions, which shall remain in full force and effect.

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

Witness our Hands and Seals this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

State of Indiana            )  
                                  SS  
County of Washington )

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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 instruments as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Signature

('86 Code, § 36-7-4-700)

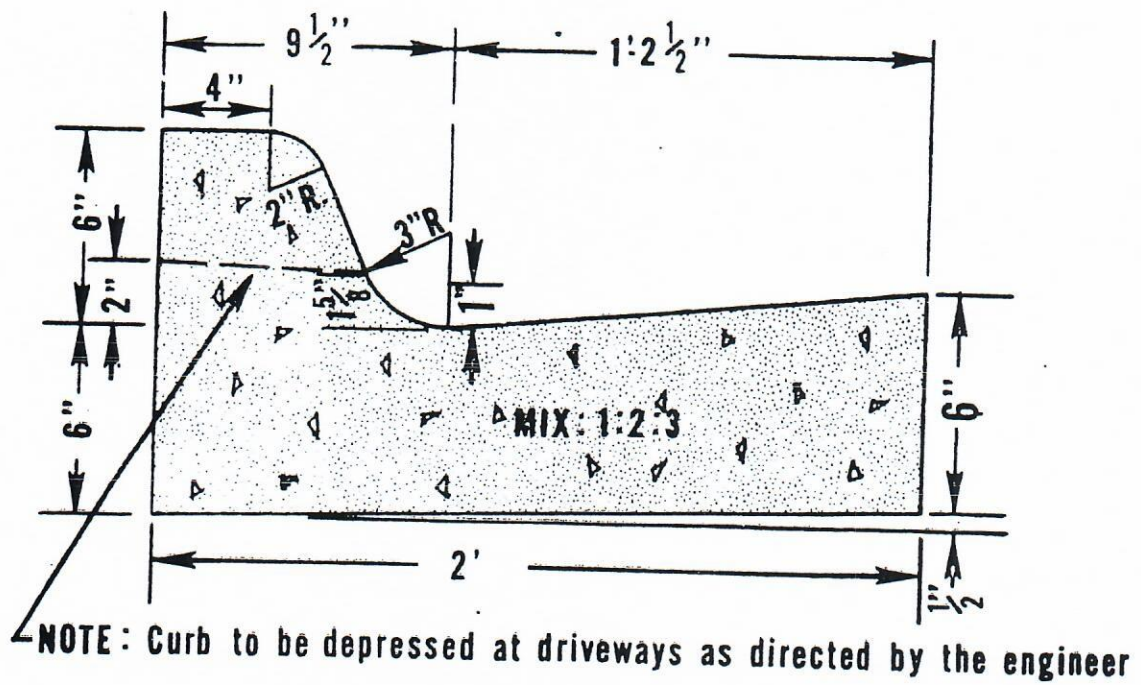




## APPENDIX B: CURB AND GUTTER DETAIL.

**CURB AND GUTTER DETAIL**

USING PORTLAND CEMENT CONCRETE

**Combined Curb and Gutter**

('86 Code, § 36-7-4-700, Figure 1)

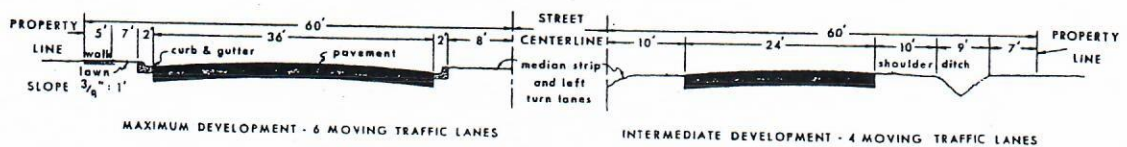




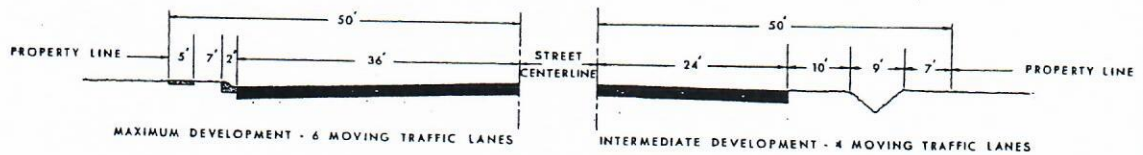
APPENDIX C: URBAN TYPICAL THOROUGHFARE CROSS-SECTIONS

# URBAN TYPICAL THOROUGHFARE CROSS-SECTIONS

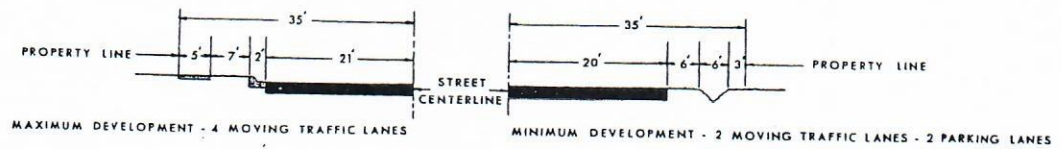
## MAJOR ARTERIAL, DIVIDED



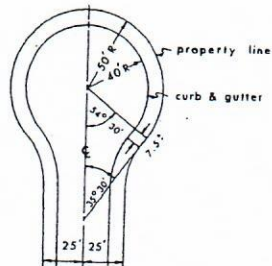
## MINOR ARTERIAL



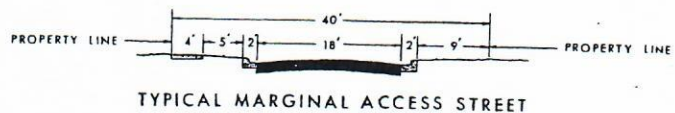
## COLLECTOR



## LOCAL



TYPICAL CUL-DE-SAC



TYPICAL MARGINAL ACCESS STREET

1970

