

Leo-Cedarville Subdivision Control Ordinances

Town of Leo-Cedarville, Indiana



LEO·CEDARVILLE



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Revised Articles 1 – 18 _____ 3-20-07



Article One

Basic Provisions



Article One

Basic Provisions

1.1 Title

This article shall be known and may be cited and referred to as the "Subdivision control Regulations for the Town of Leo-Cedarville, Indiana."

1.2 Defined Words

Words used in a special sense in this Ordinance are defined in Article Eight.

1.3 Authority

Pursuant to the authority under State of Indiana law 36-7-4 et seq. this Ordinance is adopted by the Town. Indiana codes cited in this ordinance that have been amended or superseded are deemed amended or superseded by reference.

1.4 Purpose

The purposes of these Subdivision Regulations are to protect and promote the public health, safety, and general welfare, and to provide for:

- A. Guidance of future growth and development in accordance with the Comprehensive Plan and applicable ordinances of the Town.
- B. Protection of the character, the social, and the economic stability of all parts of the area, and to encourage the orderly and beneficial development of all parts.
- C. Protection and conservation of the value of land, buildings, and other improvements upon the land and to minimize the conflicts among the uses of land and buildings.
- D. Avoidance of scattered and uncontrolled subdivisions of land that would result in the unnecessary imposition of an excessive expenditure of public funds for the supply of services that are parts of community infrastructure.
- E. Establishment of reasonable standards and procedures for subdivisions use of land; and to ensure proper legal descriptions and monumenting of subdivided land.
- F. Prevention of the pollution of air and water; provision of drainage facilities and the safeguarding of the water table; and the encouragement of wise use and management of natural resources in order to preserve the integrity, stability, natural beauty, topography, and the value of the land.
- G. To guide public and private policy and action to provide adequate and efficient public and private natural resources such as natural beauty, wood lands, open spaces, and energy, both during and after development.
- H. To cause the cost of design and installation of improvements in new, platted subdivisions to be borne by persons purchasing the lots rather than be any direct or indirect burden upon existing property owners beyond the limits of the subdivision who have already paid for the improvement servicing their property.

1.5 Compliance

No land shall be divided, residential subdivision created, or commercial subdivision created, without complying with all provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance. However, this Ordinance shall not apply to the following:

- A. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat.
- B. A division of land into two (2) or more tracts for an agricultural use.
- C. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property.

- D. The unwilling sale of land as a result of legal condemnations as defined and allowed in the Indiana State Law.
- E. Widening of existing streets to conform to the Comprehensive Plan or Thoroughfare Plan, and Capital Improvement Plan.
- F. The acquisition of street rights-of-way by a public agency in conformance with the Comprehensive Plan or Thoroughfare Plan.
- G. The exchange of land for the purpose of straightening property boundary lines which does not results in the change of the present land usage.
- H. Condominium developments that are regulated by the Indiana Horizontal Property Act, I.C. 32-1-6 et seq.

1.6 Interpretation

The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards of physical environment. If one or more provisions within this Ordinance are in conflict or are inconsistent with one another, then the provision which is more restrictive shall control.

1.7 Jurisdiction

This Ordinance shall apply to all land within the corporate limits of the Town of Leo-Cedarville, Indiana upon adoption by the Leo-Cedarville Town Council.

1.8 Policy and Interpretation

- A. No owner, or agent of the owner, of any root parcel of land shall transfer or sell any subdivision of 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.
- B. 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, transfer, or lease resulting in the creation of one (1) or more new building sites shall not be permitted. All such described divisions shall be subject to all of the appropriate requirements of this ordinance.
- C. The Planning Commission will decide if the land to be subdivided shall be of such a character that it can be developed without peril to health, flood, fire, or other menace; and land shall not be subdivided until having access to available existing public facilities, improvements, and proper provision has been made for drainage, water, sewerage, other necessary new public improvements such as schools, parks, recreation facilities, and transportation facilities adequate for serving the subdivision.
- D. No plat or re-plat of a subdivision of land located within the jurisdiction of the commission shall be recorded until it shall have been approved by the commission, and such approval shall have been entered in writing on the plat by the President of the Commission and the Zoning Administrator.
- E. No land shall be subdivided unless the intended use of the individual lot is in conformance with the Zoning Ordinance and Comprehensive Plan, now or hereafter adopted.

- F. In all subdivisions, due regard shall be given to the preservation of historical sites and natural features such as trees, water courses, and scenic views.
- G. 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.
- H. Conflict with Public and Private Provisions.
1. Public Provisions: Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, 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 or restriction impose duties and obligations more restrictive, or higher standards than the requirement of these regulations, or the determinations of the Commission in providing a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then 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 a party to such agreements.)
- I. No Improvement Location 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 excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with construction standards adopted by the Town.
- J. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations.

1.9 Severability

If any provision of this Ordinance or the application of any provision to particular circumstances is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

1.10 Transition Rules

This Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision Control Ordinance, or discontinuing, abating, modifying, or altering any penalty accruing or about to accrue.

1.11 Comprehensive Plan

This Ordinance has been developed in consideration of the policies, goals, objectives and strategies of the Leo-Cedarville Comprehensive Plan.

1.12 Replats

For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, area reserved thereon for public use, any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions, such change shall be approved by the Plan Commission by the same procedure, rules, and regulations as for a subdivision.



Article Two

Administration



Article Two

Administration

2.1 Inspections and Permits

- A. The developer shall have a pre-construction meeting with the Zoning Administrator and his/her designated agents and the Town Engineer at least five (5) days prior to the commencement of work within the development.
- B. The Town Engineer has the authority to require such testing as deemed necessary. Such testing shall be done by an independent source agreeable to the Engineer and shall be paid for by the subdivider or developer for all required review, inspection and/or testing or improvements. Testing may include but shall not be limited to: compaction of the existing subbase and subbase aggregate; concrete slump, air cylinder and beam tests; coring for finished pavement and sidewalk depths; and asphalt content and mix gradation.
- C. All fees and costs of the Town Engineer in review of plats, plans, specifications, field inspections of improvements, and any other aspects of subdivision review, shall be paid by the subdivider or developer for all required review and testing of improvements before adoption by the

Town of Leo-Cedarville



Article Three

Subdivision Control



Article Three

Subdivision Control

3.1 Application for Subdivision

- A. The subdivider shall have a meeting to consult informally with the zoning Administrator and/or the Town Engineer for advice and assistance before filing the application for a Primary, Secondary, or Minor Subdivision plat. At this meeting, the developer should submit a conceptual layout of the plat for review.
- B. No application shall be accepted until all items detailed below have been completed and executed by the person proposing the subdivision, or his designee.
- C. When the developer wishes to pursue the plat before the Plan Commission, he shall complete the requirements listed below and application and submit twenty-five (25) copies of the proposed plat, and application to the Zoning Administrator along with the appropriate fees. The Zoning Administrator and/or Town Engineer shall have forty-five (45) days in which to review the documents and to determine if there are any deficiencies of the proposed plat. The deficiencies, if any, shall be submitted to the developer.
- D. All deficiencies shall be corrected and twenty-five (25) copies of amended plat shall be submitted to the Zoning Administrator fifteen (15) days prior to the next regularly scheduled meeting of the Plan Commission or it will not be heard at that meeting.

- E. Street names shall be proposed, but the final decision of the street names shall be determined by the Commission.
- F. Upon placement on the agenda, and prior to the date of a public hearing, the Zoning Administrator and/or Town Engineer shall review the proposal and prepare a written report to the Commission and applicant indicating a recommendation with regard to the subdivision being proposed.
- G. The applicant shall pay all fees of the Town Engineer incurred in review of the application and inspection of the development of the subdivision.

3.2 Notice of Public Hearing

- A. The Zoning Administrator, upon receipt of the proper documents, shall set a date for public hearing before the commission. The Zoning Administrator shall prepare a Notice of Public Hearing to be reviewed and then published. The ad must be published in the East Allen County Courier and in the two most read, local newspapers of general circulation and which shall run one (1) time. The legal notice shall appear in the newspaper at least ten (10) days prior to the date of the public hearing, and the cost of the notice shall be charged to the developer. A proof of publication shall be retained by the Zoning Administrator.
- B. A Notice of Public Hearing via certified, return-receipt mail to the Property Owners shall be sent by the Petitioner at the expense of the Petitioner to all property owners of record within three hundred (300) feet of the boundaries of the property to be subdivided ten (10) full days prior to the date of the public hearing. An alternative method of notification would consist of an affidavit or proof of mailing in which the developer certifies that he has personally delivered the Notice of Public Hearings to Property Owners and has obtained the signatures of each property owner to be notified. This affidavit shall be properly notarized.
- C. Legal notices shall include the following:
1. The general location, in words and by map, of the proposed subdivision and a legal description of the land contained therein.
 2. That the primary plat is available for examination at the Town office of Leo-Cedarville.
 3. That a public hearing will be held giving the date, place, and hour of the hearing.
 4. Written comments on the plat will be accepted prior to the public hearing and may be submitted to the Zoning Administrator for the Plan Commission.
- D. Legal notices shall comply with I.C. 5-3-1.
- E. Proofs of publication, receipts of mailing, or proofs of mailing shall be submitted to the Zoning Administrator two (2) days prior to the date of the public hearing.
- F. Names and addresses of owners of property of record within three hundred (300) feet of the subdivision site shall be presented to the Zoning Administrator at the time the primary plat application is filed.

3.3 Primary Plat Procedures

- A. The plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plat may be drawn at a scale of one hundred (100)

feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size.

B. The primary plat shall be prepared and certified by a land surveyor registered by the State of Indiana.

C. The primary plat shall contain the following information on its face:

1. The proposed name of the subdivision.
2. Names and addresses of the owner, subdivider, consulting engineer, land surveyor, and planning firm, etc., who prepared the plat.
3. Legend and notes, including a graphic scale, north point, and data.
4. Tract boundary lines showing dimensions, bearings, angles, and references to section, township, range lines or corners, and existing bench marks.
5. Topographic contours at typical intervals of two (2) feet. Said contours shall be referenced to mean sea level elevations and to U.S. Geological Survey datum plane. You must show Bench marks that were used to determine said data.
6. Layout of lots, showing dimension, numbers, and square footage of each lot.
7. All front set back lines throughout the subdivision. Also, any other set back lines that do not conform with the Leo-Cedarville Zoning Ordinance.
8. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community purposes including acreage.
9. Existing and proposed streets and rights-of-way on and adjoining the site of the proposed subdivision showing the proposed names, roadway widths.
10. Existing and proposed easements including the location, width, and purpose of each easement.

D. In addition to the primary plat, the developer shall submit the following documents.

1. A vicinity map, scaled at 200 feet to one (1) inch, showing the following:
 - a. Location of proposed subdivision.
 - b. Existing subdivisions and parcels of land adjacent to the proposed subdivision, including the names of the property owners.
 - c. All public thoroughfares/rights-of-way adjacent to the site.
 - d. Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision.
 - e. All section and municipal corporate boundaries lying within 500 feet of the subject parcel (s).
 - f. The location of any streets and alleys in the proposed subdivision showing the relationship of said streets to any existing or proposed streets in contiguous subdivisions

or undeveloped property to produce the most advantageous development of the entire neighborhood.

The vicinity map may be prepared by indicating the data by notation on available maps of an appropriate scale.

2. A map indicating the location of natural streams, regulated surface drains, legal ditches flood plains, pipelines, power lines, etc.
3. If the primary plat is to be divided into sections or phases of development, a conceptual plan for the entire subdivision shall be submitted as a "phasing schedule" and shall show the boundaries and numbers of such sections.
4. Protective covenants to be incorporated in the plat. All covenants are subject to the approval of the Commission.
5. Whenever the preliminary plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than one (1) inch equals two hundred (200) feet, a sketch of the entire holding, including the proposed subdivision area, showing an indication of the probable future street and drainage systems, for the remaining portion of the tract.
6. Letters of acceptance and letter of capacity certification from the Leo-Cedarville Regional Sewer District and a public water utility verifying that the sewer district and water utility have the capacity to service the subdivision and that sewer connections and water will be supplied to the subdivision. [See standards of design.]
7. A preliminary drainage plan showing the proposed storm water drainage system to an improved outlet shall be submitted to the Allen County Surveyor's office. Data shall be included showing that said outlet is adequate to accommodate the drainage requirements of the finished development. The plan shall include surface drainage system, storm sewer systems, subsurface drainage systems, and storm water detention facilities. Arrows designating the general drainage of all streets and lots shall be included. The plan should also include the location of any subsurface drain tile either existing or proposed for the site.
8. A site plan showing the location of water course, marshes, wooded areas, isolated preservable trees, houses, barns, and other structures and existing features.
9. A site plan showing the location of proposed sidewalks and trails.
10. A site plan showing the proposed location of street lights and entrance signs.
11. A site plan showing the proposed preliminary landscaping, screening, and attempts at preserving natural terrain and open space.
12. Photographs of the site and any significant features.
13. Soil map of the site from the Soil Conservation Service, or it's successor agency.

3.4 Primary Plat Approval

After the Plan Commission has reviewed the primary plat and heard testimony submitted at the public hearing, the Plan Commission, at the public hearing or a regularly scheduled meeting in the future, shall approve or disapprove the Primary Plat or continue to allow time for amendments. **The Commission shall notify the applicant in writing of its decision.**

A. Approval

1. If the Plan Commission determines that the Primary Plat complies with the standards set forth in this ordinance, it shall make written findings and a decision granting primary approval to the plat. This information shall be sent to the developer in a letter signed by the President or Secretary of the Plan Commission.
2. The Commission may introduce such changes or revision as are deemed necessary in the best interest and general welfare of the community.
3. Approval of a Primary Plan shall be effective for a maximum period of eighteen (18) months unless, upon application of the applicant, the Commission grants an extension within that period of time.
4. The primary approval of a plat by the Plan Commission shall be certified on behalf of the Plan Commission by the President or Secretary of the Commission who shall state the approval in a letter, affix a signature, and seal it with the Plan Commission's seal.

B. Disapproval

1. If the Commission disapproves a Primary Plat application, the Commission shall make written findings and notify the applicant in writing, stating the specific reasons for disapproval. This written notice shall be signed by the President or Secretary of the Plan Commission.
2. The applicant shall be required to observe a three (3) month waiting period before re-filing a Primary Plat which has been disapproved by the Plan Commission.
3. The applicant may submit a new application for Primary Plat approval after the three (3) month waiting period but must pay all applicable fees as if it were an original application.

3.5 Secondary Plat Procedure

A. After approval of the Primary Plat by the Commission and fulfillment of the requirements of this Ordinance, the application, applicable fee, written descriptions, and twenty-five (25) blackline or blue-line reproductions of the Secondary Plat of the subdivision shall be submitted to the Zoning Administrator/Commission. All information shall be submitted forty-five (45) days prior to the Commission meeting at which the Plat will be heard. All plats shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plat may be drawn at a scale of one hundred (100) feet to one (1) inch. Plats shall be drawn on a mylar sheet not exceeding twenty-four (24) inches by thirty-six (36) inches in size.

B. If the Commission approves the Secondary Plan, it shall be signed by the President or Secretary of the Commission and be sealed with the Commission's seal. Upon the final approval of the plat, one (1) copy of the signed and sealed Secondary Plat shall be forwarded or provided to each of the following persons at the cost of the Petitioner (developer):

1. Allen County Auditor and Recorder
2. Any corporate utility company that may be affected
3. Subdivider or petitioner Permanent File of Commission
4. Allen County Surveyor

- 5. Town Engineer
- 6. Allen County Sheriff Department
- 7. Grabill Fire Department, Saint Joe Fire Department, Cedar Creek Canyons, County 911 Dispatch
- 8. Allen County Building Department
- 9. Allen County Health Department
- 10. County Highway Department
- 11. American Electric Power
- 12. East Allen County Schools, and East Allen County Schools Transportation Department
- 13. NIPSCO
- 14. GTE
- 15. Leo-Cedarville Regional Sewer District
- 16. Pioneer Water Utility
- 17. Leo-Cedarville Cable TV Utility
- 18. Leo-Cedarville Garbage Utility

C. The Secondary Plat may include all or only a part of the Primary Plat which has received approval and shall be prepared by a land surveyor registered in the State of Indiana and contain the following certification:

"I, _____, hereby certify that I am a 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 markers shown thereon actually exist; and that their locations, size, type and material are accurately shown."

The Secondary Plat shall also contain a certification from the owner of the property as follows:

"I/We, _____, the undersigned owners by virtue of that certain deed shown in Deed Record _____, Page _____, (or Document No. _____) in the office of the Recorder of Allen County, Indiana, of the real estate shown and described herein, do hereby lay off, plat and subdivide, said real estate in accordance with the information shown on the final plat. This subdivision shall be known and designated as _____ and addition to _____."

If the Secondary Plat does not contain all of the land approved on the Primary Plat, it shall be designated by a section number in a numerical order.

D. The following information shall be shown on the Secondary Plat:

1. Accurate boundary lines, with dimensions and angles, which provide a legal, recorded survey per state statute.
 2. Accurate distances and directions to the nearest official monument. Reference corners shall be accurately described on the plat.
 3. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 4. Accurate metes and bounds description of the trace boundary.
 5. Source of title of applicant to the land as shown by the last entry in the books of the County Auditor.
 6. Name of subdivision followed by the words "Secondary Plat."
 7. Name and address of the owner and subdivider.
 8. North point, graphic scale, and date.
 9. Proposed street names.
 10. Complete curve table for all curves included in the plat.
 11. Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines. Radii, points of curvatures, tangent bearings, and lengths of all arcs of street lines shall be provided.
 12. Lot number and dimensions including the square footage of each lot.
 13. Accurate locations of easements, description of their use, and any limitations on such semi-public or community use.
 14. Acreage and dimensions for any property to be dedicated or reserved for public, semi-public, or community use, including sidewalks, bikeways, and other recreational ways.
 15. Front set back lines throughout the subdivision.
 16. Signature by the Allen County Surveyor
 17. Location, type, material, and size of all monument and markers.
 18. Certificate of approval by the Leo-Cedarville Plan Commission, if approved.
 19. Certificate of approval by the Leo- Cedarville Town Council, if approved.
 20. Signature of the Leo-Cedarville Zoning Administrator, if approved.
 21. Certificate from IDEM
- E. The following documents shall be included with the secondary plat:
1. Construction plans and specifications for the improvements required by this ordinance.
 2. Restrictions of all types which will run with the land and become covenants in the deeds for lots.

3. A final landscape/screening plan shall be incorporated in the secondary plat design plans and a phasing schedule of landscaping/screening improvements.
4. Any other information or data requested by the Commission necessary to clarify conditions and terms of plat approval. For example: agency check-off list acceptance or denial. Entrance sign plan, lighting plan, etc.

3.6 Secondary Plat Approval

- A. After the complete submittal of the application for approval of the Secondary Plat, the Commission shall review the information in a public meeting to approve or disapprove it. If the Commission determines that the plat complies with the standards of this ordinance, it shall make written finds and a decision regarding secondary approval to the plat. No notices of public hearing shall be required for Secondary Plat approval.
- B. The secondary approval of the plat by the Plan Commission shall be certified on behalf of the Plan Commission by the President or Secretary who shall affix their signatures to the plat original and all other relevant documents which also may require such signatures.
- C. If the Plan Commission disapproves the Secondary Plat, it shall make written findings and notify the applicant in writing, stating the specific reasons for disapproval. This written notice shall be signed by the President or Secretary of the Plan Commission.
- D. Approval of the Secondary Plat shall be effective for a maximum period of eighteen (18) months from the date of approval unless, upon application of the applicant, the Commission grants an extension within that period of time. Failure to record the plat with the Allen County Recorder of the subdivision within the eighteen (18) month period, shall void the previously issued secondary approval. For the purpose of this chapter, "commencing construction" means completion of the construction survey and staking.
- E. A certificate of Secondary Plat approval shall not be signed until a performance bond or proof of surety has been submitted to the Plan Commission.
- F. No Improvement Location Permit shall be issued by the Zoning Administrator, or his agent, for any structures on any subdivision lots prior to the recording of said subdivision by the County Recorder of Allen County, Indiana.
- G. No Certificate of Occupancy shall be issued by the Zoning Administrator, or his agent, for any structure on any subdivision lots prior to installation and completion of all facilities, including grading, as shown on the development plans and approved by the Commission, except that in the case of an asphalt road surface, the installation of the final surface coat may be postponed until the end of the maintenance period. The final coat of asphalt shall be installed prior to acceptance of the road for public maintenance.
- H. A plat of subdivision may not be filed with the Allen County Auditor, and the Allen County Recorder may not record it unless it has been granted secondary approval by the Plan Commission and has been properly signed by the President or Secretary of the Commission. The filing and recording of the plat is without legal effect unless approved by the Plan Commission.
- I. The subdivider shall supply twenty-five (25) copies of the recorded plat to the Zoning Administrator.

3.7 Construction Plans

- A. It shall be the responsibility of the subdivider of every proposed subdivision to have prepared and certified by a land surveyor or professional engineer (as provided by law) registered in the State of Indiana, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities.
- B. The final construction plans shall be based on preliminary plans which have been approved with the Primary Plat and shall be prepared and submitted in conjunction with the Secondary Plat. The plans shall show the following:
1. General construction plans shall be prepared for all required improvements. Plans shall be drawn on standard twenty-four (24) inch by thirty-six (36) inch sheets at a scale of no less than one (1) inch equaling fifty (50) feet or at a scale to be determined by the Zoning Administrator, and map sheets shall be of the same size as the Secondary Plat.
 2. Topographic contours at intervals of two (2) feet. Contours shall be referenced to USGS datum plan, with benchmarks shown.
 3. Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one hundred (100) feet of the intersection. Radii of all curves, lengths of tangents, and central angles on all streets shall be shown.
 4. The Plan Commission may require, where steep slopes exist, the cross-sections of all proposed streets.
 5. Plans and profiles showing the location and typical cross-section of streets including curbs, gutters, sidewalks, rights-of-way, drainage facilities, manholes, and catch basins. Plans shall also show the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, water lines, gas, and fire hydrants, showing connection to any existing or proposed utility systems.
 6. Location, size, elevation, and other appropriate descriptions of any other existing physical and natural features of facilities including features noted on the official map of local government, trees, the points of connection to proposed facilities and utilities, and the approximate high and low water elevations of all ponds, lakes, and streams. All elevations shall be referenced to the USGS datum plan.
 7. Upon completion of the construction, the developer's engineer or surveyor shall provide the Plan Commission with a set of as built construction plans showing the drainage, street profiles, buried natural gas, electric, telephone, cable TV, and any other improvements determined by the Plan Commission.

3.8 Minor Plats

- A. The division of a tract of land into three (3) or less residential parcels or less, fronting upon an existing street and needing no new street may be approved as follows:

The subdivider shall submit to the Zoning Administrator a plat, to be approved by the Planning Commission. This plat shall serve as both the primary and secondary plat for the minor subdivision. The plat shall contain addresses, lot lines, indication of scale, north point, contour lines, set-back lines, name of subdivision, certification of owner, and certification of land surveyor as set forth in section [3.6\(C\)](#) above. Additional design specifications for the plat shall be set forth on the "Application for Minor Plat Approval" maintained by the Zoning Administrator. The subdivider shall submit a completed "Application for Minor Plat Approval" and application fee to the Zoning Administrator along

with the plat. The plat shall be submitted to the Plan Commission for consideration at the next regularly scheduled meeting of the Plan Commission for consideration at the next regularly scheduled meeting of the Plan Commission that is at least fifteen (15) days after the plat is filed with the Zoning Administrator. The notice requirements of section [3.2](#) above shall apply to Minor Plat applications. Upon approval of the Minor plat by the Plan Commission, the subdivider may record the plat with the Allen County Recorder's Office. Except where otherwise provided, all other provisions of this Ordinance shall apply to minor plat developments.



Article Four

Subdivision Bonds



Article Four

Subdivision Bonds

4.1 Performance Bonds

A. Before the time when the Secondary Plat is recorded, the subdivider shall file a performance bond, cash bond with the Clerk-Treasurer to secure the completion of unfinished public improvements within the subdivision. The performance bond or cash bond shall:

1. Be drawn in favor of the Leo-Cedarville Town Council.
2. Be in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with this **ordinance**. The subdivider's engineer shall supply an estimate of the cost of improvements and installation on the project to aid the Commission in its determination of the amount of the bond. The engineer's estimate, however, shall not be binding upon the Commission.

3. If a bond is submitted, it shall be issued by a "AAA" rated insurance company or bonding company
 4. Comply with all statutory requirements and shall be satisfactory to the Plan Commission's Attorney as to form, sufficiency, and manner of execution as set forth in these regulations.
 5. Extend for the period within which required improvements must be completed as specified by the Commission in the resolution approving the secondary subdivision plat.
 6. Cover the installation costs of the streets, sanitary sewers, curbs, street signs, sidewalks, and other recreational amenities, surface swales, subsurface and storm drainage systems, seeding/erosion control, landscaping, and other public improvements.
- B. If the Plan Commission is satisfied that the subdivider is financially solvent and trustworthy, the Commission may, at its discretion, waive the bond requirement, and require instead that the subdivider submit to the Commission a letter of commitment issued by a reputable lender, which confirms that the lender has committed to lend a sum certain to the subdivider for the purpose of installing the improvements required by this ordinance. The Commission may require that the Town of Leo-Cedarville be included on the letter of commitment and that the letter contain such other provisions as are necessary to satisfy the Commission that the Town will be protected in the event that the subdivider defaults on its obligations under this ordinance.
- C. The Plan Commission may, upon proof of difficulty, recommend to the Town Council, extension of the completion date set forth in such bond for a maximum period of nine (9) additional months. The Town Council may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the Plan Commission's Attorney. The Town Council shall have the authority to increase the bond amount to cover increased costs.
- D. All required improvements shall be made by the applicant, at his expense, without reimbursement by the local government or any improvement district therein.
- E. The subdivider shall be required to maintain at his expense a construction manager or engineering firm to act as the on-site representative for the subdivider and to manage the construction of the subdivision improvements. The on-site representative shall certify that the subdivision construction is in compliance with the detailed construction plans submitted to the Plan Commission during the review of the Secondary Plat. The on-site representative shall submit monthly progress reports to the Town Engineer during construction and should notify the Town Engineer seventy-two (72) hours ahead of scheduled work so that an inspection can be made. A final report shall be submitted to the Plan Commission and the Town Council by the on-site representative or his firm.
- F. If the Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications, the applicant shall be responsible for correcting any errors in construction and completing the improvements in accordance with such standards and specifications.
- G. If a Secondary Plat is divided into phases, the Plan Commission may allow for performance bonds to be submitted to cover only the cost of improvements to be constructed in each phase.

4.2 Release of Performance Bonds

- A. The Town Council shall not accept dedication of required improvements nor release or reduce the performance bond amount until the Town Engineer has submitted a final inspection report of the subdivision. The engineer shall certify that the layout of the public improvements has been completed, properly inspected, and is ready for acceptance into the Town's system.

B. The Town Council, upon approval of the Town Engineer's inspection report, shall pass a resolution accepting the improvements in the subdivision and formally releasing the performance bond.

C. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the Town Council may thereupon declare the bond to be in default and hire an independent contractor to do the installation regardless of the extent of the building development at the time the bond is declared to be in default.

4.3 Maintenance Bonds

A. Before accepting any public street or other public right-of-way constructed pursuant to the provision of this ordinance, the Town Council shall require the subdivider to post a maintenance bond with the Town Council.

The maintenance bond shall:

1. Be drawn in favor of the Leo-Cedarville Town Council.
2. Be in an amount determined by the Council to be sufficient to pay for any repairs that may be needed to the public street or right-of-way, but shall not be less than that amount equal to one hundred percent (100%) of the total cost of constructing the public street or right-of-way. The subdivider's engineer shall supply an itemized statement of the actual cost of public street or right-of-way on the project to aid the Council in its determination of the amount of the bond. The engineer's estimate, however, shall not be binding upon the Council.
3. The maintenance bond submitted shall be issued by a "AAA" rated insurance company or bonding company.
4. Comply with all statutory requirements and shall be satisfactory to the Town's attorney as to form, sufficiency, and manner of execution.
5. Extend for a period of three to five (3-5) years as determined by the Town Council.
6. Cover the costs of maintaining or repairing the streets, curbs, street signs, and sidewalks to be accepted by the Town Council.

4.4 Other forms of Surety

A. The subdivider may provide the Town Council with other liquid assets in an amount equal to the required performance and maintenance bonds. Such liquid assets may include a cash escrow account, certificate of deposit, irrevocable letter of credit, money market accounts, etc., so long as the proper documents are presented by the subdivider to the Town Council giving said Council proper signatory access to the funds upon default.

B. Should the subdivider be required to extend to the subdivision site improvements such as extensions of water and sewer lines owned by the Town of Leo-Cedarville which may provide benefits to other properties in the vicinity of the proposed subdivision, then the subdivider and the Town Council may, by contract, agree that the other property owners in the vicinity of the subdivision who wish to connect to or utilize the installation provided by the subdivider shall pay the Town over a period, not to exceed ten (10) years, a fee in an amount agreed to by the contract and that portion of said fee shall be rebated to the subdivider.



Article Five

Standards of Design



Article Five

Standards of Design

5.1 General

A. The subdivision layout shall be of such a character that it protects the health, safety, and general welfare of the residents in the jurisdiction of the Plan Commission.

B. Whenever a proposed subdivision borders an existing street, the Commission may require improvements of such street as a condition of plat approval. Additional dedication of right-of-way may also be required.

C. In designing and approving subdivision streets, the following factors shall receive consideration:

1. accessibility for emergency vehicles and school buses;
2. safety for both vehicular and pedestrian traffic;
3. efficiency of services for all users;
4. livability or amenities as affected by traffic elements in the circulation system; and
5. economy of both construction and use of land.

D. No two homes on any given street or cul-de-sac within 250 feet of one another shall have the same or relatively the same front design. The determination of "relatively the same front design," if in

question, shall be determined by vote of the Commission. The commission shall have the authority to waive this section for subdivisions involved in the construction of villaminiums.

E. The Commission may waive the requirement that a street be dedicated to the public and approve a private street in a subdivision provided all of the following conditions are satisfied:

1. Restrictive covenants, a written commitment, or other necessary document(s) running with the land, shall be recorded in such form as is approved by the Commission to clearly state of record each of the following provisions:
 - a. The Town shall never be obligated to accept a public dedication, deed, or any other conveyance of such private street.
 - b. The Town shall never be obligated to maintain or repair the street.
 - c. A legally-formed community association comprised of all owners of lots in the subdivision, as well as each such owner individually, shall be jointly and severally obligated to maintain and repair each private street in the subdivision.
 - d. The subdivision's community association and all owners of lots in the subdivision shall jointly and severally indemnify and hold harmless the Town of Leo-Cedarville, the Leo-Cedarville Town Council, the Leo-Cedarville Plan Commission, the Leo-Cedarville Zoning Administrator, and their officers and agents against any loss, damage, or liability arising from claims or suits for personal injury or property damage involving the design, construction, use or maintenance of a private street in the subdivision.
 - e. While the use of a private street may be restricted to owners of lots in the subdivision, or their invitees and licensees, an express easement shall be granted to public and quasi-public agencies for use of such streets by emergency, utility, and school vehicles and personnel, and for any other purpose the Commission reasonably believes is necessary or appropriate.
2. Title to each private street in the subdivision shall be properly conveyed by warranty deed to the subdivision's community association.
3. Evidence of the legal formation of the subdivision's community association shall be recorded.
4. Unless waived or modified by the Commission, a private street shall be constructed and inspected in such a manner as to satisfy the requirements of [Article 6.1](#) of this ordinance.
5. A maintenance bond, with coverage comparable to that required for public streets, for the benefit of the subdivision's community association and lot owners, shall be provided by the developer of the subdivision, if the Commission finds such a bond necessary.

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

1. All applicable statutory provisions.
2. The local zoning ordinances, building and housing codes, and all other applicable laws of the appropriate jurisdiction.
3. The Comprehensive Plan, Thoroughfare Plan, and Capital Improvement Plan of the Town of

Leo-Cedarville, including all public facilities, open space, and recreation plans, as adopted.

4. The rules and regulations of the Indiana Department of Environmental Management, the Department of Natural Resources, Aeronautics Commission, Allen County Drainage Board, and other appropriate agencies.
5. The rules, regulations, and standards of the Indiana Department of Transportation if the subdivision or any lot contained therein abuts a state highway.
6. All applicable planning and regulatory guidelines, including access control, driveway manuals, parking and traffic control ordinances, and other applicable guides published by the local governmental units.
7. The "Indiana Manual of Uniform Traffic Control Devices" (or its replacement) for installation of traffic control devices.

5.2 Street Standards

- A. The street, alley, and sidewalk layout shall provide adequate vehicular and pedestrian access to all lots and parcels of land within the subdivision. Streets shall conform to the following standards:
1. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
 2. Residential street systems shall be designed to minimize through traffic movement, but 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.
 3. 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.
 4. Residential street patterns shall provide reasonably direct access to the primary circulation system.
 5. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. A street should be approximately at right angles for at least one hundred (100) feet therefrom.
 6. Not more than two (2) streets shall intersect at any one (1) point, unless specifically approved by the Plan Commission, and where streets cross other streets, jogs shall not be created.
 7. Proposed new intersections along one (1) side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with center line offsets of less than one hundred fifty (150) feet shall not be permitted except where the intersected street has separated, dual drives, without median breaks at either such intersection. Where local streets intersect with arterial or collector streets, their alignment shall be continuous.
 8. The minimum right-of-way of residential streets shall be fifty (50) feet. All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet and minimum roadway diameter of eighty (80) feet. Cul-de-sac streets shall be not longer than twelve hundred (1200) feet, unless the Plan Commission shall determine after public discussion

that a greater distance better serves the interest of public health, safety, and welfare, including traffic flow considerations; such distance to be measured from the center of the turning circle to the intersection of the center line of the cul-de-sac street and the center line of a through street provided, however, that if the residential streets within the subdivision has only one (1) intersection with a through street, the entire subdivision shall be considered a cul-de-sac and the distance shall be measured from the point of intersection of the subdivision street and the through street.

9. A temporary dead-ended street shall be permitted in any case in which a street is proposed to be and should logically be extended but is not yet necessary to be constructed. An adequate barrier and signage shall be provided for any such temporary dead-end street which extends two hundred (200) feet or more in length. Such easement shall be automatically vacated to abutting property owners when said dead-ended street is legally extended.
10. At the intersection of any proposed residential street with any existing street, acceleration and deceleration lanes, and passing or left turn lanes may need to be provided in accordance with standards established by the handbook, A Policy of Geometric Design of Highways and Streets, by the American Association of State Transportation and Highway Officials.

5.3 Block Standards

- A. Block length and width or acreage within bounding streets shall be such as to accommodate the size of lot required by the Zoning Ordinance for the district in which the subdivision is to be located, and to provide convenient access, circulation control, and safety of street traffic. Blocks that are unreasonably large or small will not be approved.
- B. Blocks should not exceed one thousand, three hundred and twenty (1,320) feet in length. In the design of blocks longer than eight hundred (800) feet, the Commission may specify the provision of pedestrian crosswalks near the center of the block, or wherever would be most useful to facilitate pedestrian circulation to a school, park, recreation area, shopping center, or other significant neighborhood destination.
- C. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major transportation facilities, watercourses, and industrial and commercial areas.

5.4 Lot Standards

- A. Lot dimensions shall comply with the minimum standards of the Zoning Ordinance.
- B. Double frontage lots shall be prohibited except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.
- C. The lot size, width, depth, shape, grade location, and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.
- D. A lot shall abut on a local or minor collector public street except for minor plats.
- E. Side lines of lots shall be approximately right angles to straight streets and on radial lines on curved streets. Some variation from this requirement is permissible, but irregular lots should be avoided.
- F. Building set back lines shall conform to the provisions of the Leo-Cedarville Zoning Ordinance.

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

H. Direct vehicular access from lots to minor or major arterial streets is prohibited except for minor plats. Vehicular access from lots to collector streets may be prohibited except for minor plats.

5.5 Easements

A. Easements to permit access for maintenance and repair of surface and subsurface drainage improvements established by law and utility installations, shall be provided on the final copies of the Primary Plat, Secondary Plat, and Construction Plans. Location of Easements shall be reviewed by the Town Engineer and representatives of local utility companies.

B. Easements shall be a minimum of fourteen (14) feet in width, shall provide continuity from block to block, and shall be located along rear, side, or front lot lines, one-half (1/2) the width of the easement shall be taken from each lot. In the case of lots extending to the boundary of the lands platted and not adjoining another plat, the full width of the easement shall be provided on such peripheral lots.

C. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, the subdivider shall designate drainage easements on both sides of the watercourse, the width to be determined by the Plan Commission and in the case of a legal drain, the Allen County Drainage Board.

D. When a proposed drainage system shall carry water across private lands outside the subdivision, appropriate drainage rights must be secured by the subdivider and indicated on the plat.

5.6 Open Space

A. The subdivider shall be required to plat a minimum of eight hundred and seventy five (875) square feet of open space for each dwelling unit to be constructed when the density of such development is one (1) dwelling unit per acre or greater. A dwelling unit shall be defined as a single-family home, condominium, or apartment/rental unit.

B. The subdivider shall reserve the open space acreage for public use. The land may be deeded by the subdivider to a duly organized homeowners association within the subdivision.

C. Easements, crosswalks, and road frontage to provide public access to the open space shall be shown on the Secondary Plat.

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

5.7 Subdivision and Street Names

A. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Plan Commission shall have final authority to approve the name of the subdivision which shall be determined at the time of the Preliminary Plat approval.

B. Street names shall not duplicate any existing name within the area covered by these

regulations except where a new street is a continuation of an existing street. Street names that may be spelled differently but sound the same as existing streets shall not be used. Street names shall be reviewed and approved by the "911 Emergency" system.

C. The Plan Commission shall have final authority to name all streets (in case of conflicts) at the time of secondary plat approval.



Article Six

Standards for Improvements and Installation



Article Six

Standards for Improvements and Installation

6.1A Street Improvements

A. Streets shall be completed to grades shown on the Construction Plans drawn by the subdivider's professional engineer and approved by the Plan Commission.

B. Intersections shall be designated 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 two percent (2%) grade at a distance of one hundred (100) feet, measured from the nearest right-of-way line of the intersecting street.

C. At intersections of streets or alleys, property line corners shall be rounded by minimal arcs as follows: Arterial and all streets in commercial and industrial subdivisions shall have a minimum curb return radius of thirty-five (35) feet. Collector streets shall have a minimum curb radius of thirty (30) feet. Local streets shall have a minimum curb return radius of twenty-five (25) feet.

D. If the smaller angle of intersection of two (2) streets is less than seventy-five (75) degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Commission.

E. Horizontal visibility and vertical visibility on all streets must be maintained along the center line as follows:

- | | |
|---|----------|
| 1. Principal and minor Arterial Streets | 350 feet |
| 2. Collector Streets | 300 feet |
| 3. Local Streets | 250 feet |

F. Curvature measure along the center line shall have a minimum radius as follows:

- | | |
|--|----------|
| 1. Principal Arterial Streets (determined by design speed standards) | |
| 2. Minor Arterial Streets (determined by design speed standards) | |
| 3. Collector Streets | 250 feet |
| 4. Local Streets | 200 feet |

G. Between reversed curves there shall be a minimum tangent distance as follows:

- | | |
|---|----------|
| 1. Principal and Minor Arterial Streets | 250 feet |
| 2. Collector Streets | 200 feet |
| 3. Local Streets | 50 feet |

H. Maximum/Minimum grades for streets shall be as follows:

1. Principal and Minor Arterial Streets - not greater than four percent (4%).
2. Collector Streets - not greater than five percent (5%).
3. Local Streets - not greater than eight percent (8%).
4. Minimum grade for all streets is one-half percent (0.5%).

I. Before any performance bond covering a street installation is released, the Plan Commission, Town Council, or Town Engineer may request that core borings of the street be done at the subdivider's expense. Cores shall be reviewed by an independent testing laboratory or registered engineer for analysis.

J. A developer may request permission of the Plan Commission to delay the installation of the one (1) inch surface layer of asphalt until the binder layer of asphalt has had a sufficient time period to prove its durability under the stress of heavy construction traffic. The developer may be required to submit a separate performance bond to cover the cost of the installation of the one (1) inch surface layer of asphalt, or at the time of Town adoption, or at eighty percent (80%) occupancy.

K. Design Requirements of Street Pavements to conform with the specifications of the Allen

County Highway Department, unless otherwise modified by this article.

L. Dimensional Requirements of Street Pavements

Street Type	Street Width (Feet)	Dedicated Right-of-Way Width (Feet)
Major Arterial	48	90
Minor Arterial	44	80
Major Collector	38	70
Minor Collector	34	60
Local	27	50

Street width is measured from back to back of the curb and gutter located on each side of the street. If no curb and gutter, it would be to edge of the street.

6.1B Concrete

Concrete utilized for driveways, sidewalks, curbs, curb and gutters and street pavements shall be "Ready-Mixed" conforming to ASTM Standard Specification C-94. The cement shall conform to ASTM Standard Specification C-175 for air entrained cement with the entrained air within the limits of 4% to 7%. All aggregate shall conform to ASTM Standard Specification C-33.

A. Preparation: All subgrade shall be compacted to 95% density.

B. Forms: Shall be of metal or wood, straight and free from warp and of sufficient strength when braced to resist springing while placing concrete. The forms shall be to the full depth of the walk or curb and shall be securely staked, braced and held firmly to the required line and grade. All sidewalks shall be a minimum of 4" in depth. All driveways shall be a minimum of 6" in depth.

C. Expansion Joints: Shall be placed at intervals of approximately fifty (50) feet. The preformed asphaltic impregnated expansion joint material shall be composed of a durable elastic compound of mineral or vegetable matter of not less than 1/2 inch and shall be placed the entire width or depth of the walk or curb. Expansion joints of 1/2 inch thickness shall also be placed where any sidewalk joins with any curb or curb and gutter, around all valves, poles, etc., which may fall within the sidewalk.

D. Placing Concrete; The subgrade shall be wetted before the concrete is placed thereon. The concrete shall be deposited within the forms upon the wetted subgrade to such depth that after being compacted, it shall be to the full thickness required. Concrete shall be leveled off and tamped sufficiently to bring mortar to the surface after which it shall be finished smooth and even by means of a wood float or trowel. Transverse joints shall be cut at intervals not greater than the width of the sidewalk being constructed or at not greater than fifteen (15) feet on all curbs. When completed the sidewalk and/or curb shall be covered and kept wet or sprayed with an approved curing agent. Concrete shall not be allowed to freeze.

E. Concrete Proportioning: All concrete shall be of such design and mix as to conform to the following:

1. Minimum cement content of 6 sacks per cubic yard
2. Minimum compressive strength, 4500 psi @ 28 days
3. Maximum water-cement ratio, 5.5 gallons per sack
4. Maximum slump, 3 inches

F. Finish: All pavement, curbs and sidewalks shall have a broom finish at right angles to the direction of travel.

G. Existing walks or curbs, when disturbed or damaged by construction, shall be replaced to their original condition with construction as per new sidewalks or curbs.

H. All sidewalks will meet the (ADA) American Disability Act requirements.

6.1C Asphalt Pavement:

Asphalt pavement shall consist of not less than the following utilizing INDOT standard material designation unless otherwise noted on the drawings:

Topped with:

Sub-Base Material	Compacted #1 or #2 limestone (6" minimum depth), Compacted #53 limestone, #53 gravel, or #53 recycled gravel 10" minimum total depth
Base Material	#5 Hot asphaltic concrete base, 4" minimum depth
Binder Material	#8 Hot asphaltic concrete binder, 3" maximum depth
Surface Material	#11 Hot asphaltic concrete surface, 1 1/2" maximum depth

6.2 Storm Water and Subsurface Drainage

A. Storm water and subsurface drainage shall conform with the specifications of the Allen County Surveyor's Office and Allen Drainage Board. An adequate storm water system with surface inlets shall be installed by the subdivider. The plans for the drainage of the subdivision showing topography, direction of flow, size, location, material, profiles, and all connections thereto, shall meet the requirements of and be approved by the Allen County Surveyor and Allen County Drainage Board.

B. The subdivider shall provide a subsurface drainage system, below curbs, to be placed along both sides of the subdivision streets and wherever else within the subdivision that it is determined to be necessary. The purpose of the subsurface piping system is to provide drainage for the street subbase. The subsurface drainage system shall discharge to the storm sewer system or to the surface drainage system upon approval from the Town Engineer. No subsurface drainage system connections will be permitted to the sanitary sewer system.

C. It shall be illegal for sump pumps, down spouts, or foundation drains to outlet directly to the street or into the right-of-way of the street, or to be connected to the sanitary sewer. Sump pumps shall be connected to the subsurface drainage system described in this Ordinance. Sump pumps shall be outletted to a special drain tile located on private property in either the rear yard easement or front yard set-back or to the ground surface adjacent to the structure. The responsibility for the operation and maintenance of this tile shall rest with the property owner or subdivision association.

6.3 Curbs and Gutters

A. The Commission shall require curbs and gutters to be installed on each side of the street surface.

B. The curbs and gutters shall be constructed according to the following specifications:

1. The base for the curbs and gutters shall be well compacted on the compacted aggregate as per the street specification.

2. The minimum grade of any street gutter shall not be less than five-tenths percent (0.5%).
3. The curbs and gutters shall be roll type, unless otherwise required or approved by the Town Engineer.
4. Inlets shall be located at the low point in the street grade and at other spacing as storm water system calculations require.
5. Inlet grates should be depressed slightly below the plane of the gutter to improve removal of runoff water. Inlet grates shall be heavy-duty type and recommended for bicycle traffic.

6.4 Sewers/Septic Systems

Sewers shall comply with the requirements of the Leo-Cedarville Regional Sewer District. It is the intent of this Ordinance that all subdivisions connect to a sanitary sewage system. If the sewer district cannot provide service, then the subdivider shall install a private septic system in compliance with the requirements of the Allen County Board of Health.

6.5 Water Supply

- A. The subdivider shall provide the subdivision with a complete water supply system, which shall be connected to the existing approved Leo-Cedarville water supply; except that when no such supply is available within 500 feet, the subdivider shall provide one (1) of the following:
1. Connection to the accepted water utilities;
 2. Individual private wells.
- B. The plans for the installation of water main supply systems shall be provided by the subdivider and approved by the Town Council and the Indiana Department of Environmental Management. Upon completion of the water supply installation, the plans for such system as built shall be filed with the Town Council.
- C. Fire hydrants shall be provided at each street intersection and at intermediate points between intersections, as recommended by the local fire department, if water for utility is available. Generally, hydrant spacing may range from three hundred fifty (350) to six hundred (600) feet, depending on the area being served.

6.6 Monuments and Markers

Monuments and Markers shall comply with the requirements of the Allen County Surveyor's Office.

6.7 Sidewalks

- A. Sidewalks shall be located on both sides of every street within the subdivision plat, including cul-de-sacs. Sidewalks shall be six (6) inches thick at drives and at least four (4) inches thick in all other locations. Sidewalks shall be six (6) feet wide adjacent to arterial and collector streets and in commercial, industrial, and four (4) feet wide in all other locations. Sidewalks shall be portland cement type in accordance with the Standard Specifications of the Indiana Department of Transportation, latest edition, with expansion joints every fifty (50) feet and control joints every five (5) feet. Sidewalks may be installed on each lot by individual builders, but the subdivider remains ultimately responsible for their installation. The Plan Commission may require completion of the sidewalks to be included in

any performance bond submitted pursuant to Article Four (4) above.

B. Sidewalks and pathways located away from streets should be properly lighted to permit visual surveillance of the walk or path from the street.

C. When sidewalks or pathways cross major street intersections within or adjacent to the subdivision safety devices such as painted crosswalks, signs, or traffic signals shall be installed, as directed by the Plan Commission.

D. Easements of at least eight (8) feet in width shall be provided for sidewalks, pedestrian paths, and bicycle paths.

E. Ramps for wheelchairs and bicycles shall be provided on all sidewalks and pathways and must comply with the requirements of the Americans with Disabilities Act. Ramps are to be located at all intersections and other transition access points. Overhead obstructions shall be cleared to a height of at least eight (8) feet. Rolled curbs are not a substitute for wheelchair ramps.

6.8 Street Signs and Street Lighting

A. The subdivider shall be responsible for installing street signs at each intersection throughout the subdivision. All street signs must comply with the requirements of the Uniform Traffic Control Devices Manual. The Town of Leo-Cedarville shall be responsible for placement of traffic control signs where deemed necessary in the development by the Town Engineer and Plan Commission.

B. The subdivider shall provide the subdivision with street lights to be installed at intersections throughout the subdivision or where deemed necessary by the Town Engineer. Street lights shall be pole mounted and not exceed twenty (20) feet in height. All electric lines are to be buried.

C. **After adoption of street lighting, the Homeowner's Association is responsible for all maintenance and upkeep. The town is only responsible for the electric bill.**

6.9 Utilities

All utility lines, including electrical power, gas, telephone, CATV, sewer, and water shall be located underground throughout the subdivision. The location of utility easements shall be shown on the Secondary Plat. Service connections to the property lines of each lot in the development shall be provided by the utility or subdivider.

6.10 Parking Lots

Construction of parking lots should conform with the requirements of local streets.



Article Seven

Drainage and Waivers



Article Seven

Drainage and Waivers

7.1 General

- A. Drainage, erosion, and sediment control shall conform with the requirements of the Allen County Surveyor's Office and shall be approved by the Allen County Surveyor.
- B. No changes shall be made in the contour of the land, nor shall grading, or excavating begin until a plan for minimizing erosion and sedimentation has been reviewed by the Allen County Surveyor's Office and a copy of said approval is received by the Zoning Administrator.
- C. IDEM needs permit for anything over five (5) acres. See Rule #5, IDEM.

7.2 Waivers

- A. General Provision for Waivers:

This Ordinance establishes the minimum requirements necessary to meet the community's expectations regarding health, safety, access and welfare within new developments. However, in certain circumstances, flexibility in the implementation of this ordinance will be required to promote innovative development and to handle unique problems or take advantage of unique benefits arising from the specific qualities of individual parcels of land. Accordingly, the Leo-Cedarville Plan Commission is hereby delegated the authority to grant waivers to any of the specific requirements of this Ordinance subject to the conditions and procedures set forth in this subsection.

- B. Procedure for Obtaining a Waiver:

The Plan Commission can grant waivers only upon request by the applicant. To request a waiver of any provision of this ordinance, the applicant must submit an Application for Waiver form to the Plan Commission at the time of application for primary plat review. The application for Waiver form shall be provided by the Zoning Administrator. Requests for waivers will not be accepted or processed as part of secondary development plan review.

- C. Conditions for Granting an Application for Waiver:

The Plan Commission may grant an Application for Waiver only if the following conditions are met:

1. The Applicant can demonstrate that compliance with the standards for which a waiver is sought places an unreasonable burden or an undue hardship on the applicant because of a unique quality of the land which is to be subdivided. Or the Applicant can demonstrate a benefit to the local community or to the town at large which arises from a unique quality of the land which is to be subdivided or from the innovative nature of the proposal contained in the primary development plan and which will be lost if the standards of this ordinance are strictly adhered to; and
2. The Plan Commission is satisfied that the overall objectives of this Ordinance can be met without strict adherence to the standards for which the applicant seeks a waiver.

The Plan Commission shall only grant a waiver of the standards set forth in this ordinance after public hearing. The Plan Commission shall issue written findings of fact regarding the above conditions before granting or denying the Application for Waiver.

D. Conditional Waivers:

If necessary to achieve the overall objectives of this Ordinance (see condition "2" above), the Plan Commission may condition the grant of a waiver upon a commitment by the applicant to exceed one or more development standards in other areas of the primary development. If a waiver is granted, the waiver, and any related conditions, shall be noted within the conditions of approval of the primary plat.