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City of East Chicago, Indiana
Ordinance No. 98-0026
An Ordinance Establishing a Subdivision Control Ordinance
for the City of East Chicago, Indiana

AN ORDINANCE to amend the Municipal Code of the City of East Chicago, Indiana establishing and adopting a Subdivision Control Ordinance and fixing a time when the same shall take effect.

Whereas, the Common Council of the City of East Chicago has, in the Zoning Ordinance of the City, determined the zoning districts in which subdivision of land may occur; and

Whereas, the Plan Commission has recommended to the Common Council this ordinance containing provisions for subdivision control; and

Whereas, the Common Council has determined that the adoption of this ordinance will promote the purposes of securing adequate light, air, convenience of access and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EAST CHICAGO, INDIANA, AS FOLLOWS:

SECTION 1. The Municipal Code of East Chicago, Indiana, Title 16, be amended as follows:

A. That the following language be adopted as Title 16, in its entirety:

(ordinance text follows)

TITLE 16

SUBDIVISION CONTROL

Chapters:

16.01 GENERAL REGULATIONS
16.02 DEFINITIONS AND CONSTRUCTION OF LANGUAGE
16.03 DESIGN STANDARDS AND REQUIRED IMPROVEMENTS
16.04 WAIVER OF STANDARDS AND SPECIFICATIONS
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16.07 SECONDARY (FINAL) PLAN APPROVAL PROCEDURES
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16.12 FEES
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16.15 DISQUALIFICATION
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CHAPTER 16.01 GENERAL REGULATIONS

Sections:

16.01.010	**Title**
16.01.020	**Policy**
16.01.030	**Purposes**
16.01.040	**Authority**
16.01.050	**Jurisdiction**
16.01.060	**State statute citations**

16.01.010 Title

These regulations (hereinafter "these Regulations") shall officially be known as the Subdivision Control Ordinance for East Chicago, Indiana.

16.01.020 Policy

The subdivision of land and the subsequent development of the subdivided plan is subject to the control of the City and shall be carried out in accordance with the East Chicago Comprehensive Plan and the East Chicago Zoning Ordinance in order to achieve the orderly, planned, efficient and economical development of the City.

16.01.030 Purposes

These regulations are adopted for the following purposes:

A. To protect and provide for the public health, safety, comfort, morals, and general welfare of the City of East Chicago.

B. To secure adequate light, air, and convenience of access; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.

C. To protect the character and the social and economic stability of all parts of the City by encouraging: infill development in existing neighborhoods; the installation of adequate public facilities; proper urban form and open space separation; protection of environmentally critical areas.

D. To protect and conserve property values throughout the City and the value of buildings and improvements upon the land.

E. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage and other public requirements and facilities.

F. To provide a beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various use of land and buildings, and to provide for the proper location and width of streets.

G. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.

H. To ensure that public facilities and services are available to support development and will have a sufficient capacity to serve the proposed subdivision, through requiring the developer to ensure that the development provides its share of capital facilities needs generated by the development.

I. To prevent the pollution of air and water; to assure the adequacy of drainage facilities; to safeguard the water table; to encourage the responsible use and management of natural resources to preserve the stability of the community and to protect the value of existing development.

J. To provide for open spaces through efficient design and layout, while complying with the comprehensive plan and zoning ordinance.

K. To remedy problems associated with inappropriately subdivided land, including partial or incomplete subdivision, and inferior subdivision.

16.01.040 Authority

The East Chicago Plan Commission, as established by virtue of IC 36—7-4-100 *et seq.*, as amended, is established as the administrative agency for this Title and is vested with the authority to undertake all duties with regard thereto.

16.01.050 Jurisdiction

A. This chapter shall apply to all subdivisions of land within the corporate limits of East Chicago as now or hereafter established.

B. No subdivision or replat of any lot, tract, or parcel of land shall be affected, nor shall any street, sanitary sewer, storm sewer, water main, or other facility in connection therewith be laid out, constructed, opened, or dedicated for public use or for the common use of occupants of buildings or land abutting thereon, except in strict accordance with the provisions of this chapter.

C. No lot shall be sold, nor shall an improvement location permit or a building permit to erect, alter, or repair any building upon land be issued, unless and until a subdivision has been approved and recorded, and until the improvements required by the city in connection therewith have been constructed or guaranteed as provided in this chapter.

16.01.060 State statute citation

The applicable Indiana laws pertaining to these Regulations are the 700 Series – Subdivision Control [IC 36-7-4-700 *et seq.*]. Regulations contained in, and revisions to, this Ordinance reflect the provisions of this statute.

16.02 DEFINITIONS AND CONSTRUCTION OF LANGUAGE

Sections:

16.02.010 Definitions
16.02.020 Construction of Language

16.02.010 Definitions

For the purposes of these Regulations, the words, text or illustrations shall be interpreted in accordance with the following definitions unless the context clearly indicates or requires a

different meaning. Illustrations and diagrams provide graphic representation of the concept of a definition. The illustration or diagram is not to be construed or interpreted as a definition itself.

ACCESS - The way by which vehicles shall have ingress to and egress from a land parcel or property and the street fronting along said property or parcel.

ALLEY - Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from said lot.

APPLICANT - The owner(s) or representative of owner(s), legal and equitable, of land within the territorial limits of East Chicago, Indiana, who submit an application for review under the terms of this ordinance.

BOARD - The East Chicago Board of Public Works.

BOND - Any form of security including cash, surety bond, or financial instrument of credit, as approved by the Board.

BLOCK - A tract of land bounded by a street or streets and any combination of boundary lines of public or institutionally owned land, railroad right-of-way, natural features or other lines of demarcation.

BUILDING - Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

BUILDING SETBACK LINE - The line delineating the area of a lot in which no permanent structure shall be constructed or located.

CITY - The City of East Chicago, Indiana.

COMMISSION - The Plan Commission of the City of East Chicago, Indiana.

COMPREHENSIVE PLAN - The East Chicago Comprehensive (Master) Plan.

COMMITMENT - An officially recorded agreement concerning and running with the land, as recorded in the Lake County Recorder's office.

CONDITION - An official agreement between East Chicago and the applicant concerning the use or development of the land as specified in a Commission or Council approval.

COUNCIL - The Common Council of the City of East Chicago, Indiana.

CONVENANT - A legal agreement concerning the use of land.

CUL-DE-SAC - See Street, Cul-de-sac

DEVELOPER - The owner of land proposed to be subdivided, or his representative.

EASEMENT - A grant by a property owner to the general public, a public utility, a drainage or other district, or a private party, for the use of land for a specifically stated purpose.

FRONT LOT LINE - See lot line, front.

FRONTAGE - The length along the street right-of-way line of a single lot, tract, or development area between the lot lines of the property. It is that side of a lot abutting a street, generally regarded as the front of the lot.

GRADE - Percentage of slope.

IMPROVEMENT - Any alteration to the land or other physical construction associated with subdivision and site development.

INFRASTRUCTURE - The fixed public works and facilities necessary in a community, such as sewers, water systems, streets, sidewalks, street lights, etc.

INTERESTED PARTIES - Those parties identified as requiring notice under the Rules of Procedure of the Plan Commission.

LOT (per Subdivision Control Ordinance, only) - That portion of a subdivision proposed to be recorded as a lot of record for the plat.

LOT, DOUBLE FRONTAGE - A lot, other than a corner lot, which fronts on two streets.

LOT, THROUGH - A lot abutting two parallel streets, or abutting two streets which do not intersect at the boundaries of the lot.

LOT LINE - The legal boundary of a lot as recorded in the Lake County Recorder's office.

LOT LINE, FRONT - The lot line coinciding with the street right-of-way, in the case of a corner lot, both lot lines coinciding with the street right-of-way shall be considered front lot lines.

LOT OF RECORD - A lot which is part of a subdivision or a lot or a parcel recorded in the Lake County Recorder's office with a metes and bounds description.

MODEL HOME - A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision.

MONUMENT - Any permanent marker used to identify the boundary lines of any tract, parcel, lot or street line.

OUTLOT - A non-buildable lot which is to be excluded from the development because of its potential for some other use.

OWNER - A person, firm, business entity, or any other legal entity having legal title to the land sought to be subdivided under these Regulations.

PLAN COMMISSION - The East Chicago Plan Commission.

PLANNED UNIT DEVELOPMENT - The P.U.D. zoning classification provided for in the East Chicago Municipal Code.

PLAT - The drawing on which the subdivider's plan of subdivision is presented for approval and submitted for recording.

PUBLIC UTILITY - An entity authorized to furnish electricity, gas, steam, communication service, cable television, transportation, drainage, sewer, water or other public services.

REGISTERED ENGINEER - An engineer who is licensed in compliance with the laws of the state.

REGISTERED LAND SURVEYOR - A surveyor who is licensed in compliance with the laws of the state.

REPLAT - The process of allowing for an adjustment of a lot line or lines or easements, as shown on a recorded subdivision.

RE-RECORDING - The process allowing for an adjustment of an easement or correction of a drafting or typographical error.

RIGHT-OF-WAY - A strip of land occupied or intended for occupancy by transportation facilities, public utilities, or other special public uses. Right-of-ways intended for use involving maintenance by a public agency shall be dedicated to public use by the subdivider.

SECONDARY PLAT - A map indicating the subdivision of land, intended to be recorded and prepared in accordance with these Regulations. (Also known as a final plat.)

SETBACK - The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line.

SKETCH PLAN - A plan, which may be drawn as a freehand pen or pencil sketch, without precise dimensions or sheet size, used to show the Commission the location, proposed street and lot layout and other significant features of a proposed subdivision.

STAFF - The staff members of the East Chicago Department of Business Development and Planning.

STREET - A right-of-way which affords the principal means of access to abutting properties or to other streets. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, drive, or other appropriate name. A street may also be identified according to type of use as follows:

STREET, LOCAL A street intended primarily to provide access to abutting properties.

STREET, COLLECTOR A street which carries traffic from local streets to major arterial streets and vice versa.

STREET, ARTERIAL A street designated or used primarily for heavy, fast moving through traffic.

STRUCTURE - Anything constructed or erected with permanent location on the ground or anything permanently attached to something having a permanent location on the ground.

SUBDIVIDER - Any person who undertakes the subdivision or resubdivision of land. Such person may be the owner or the authorized agent of the owner of the land to be subdivided.

THOROUGHFARE - An arterial street.

THROUGH LOT - A lot abutting two or more parallel streets, or abutting two streets which do not intersect at the boundaries of the lot.

THRUWALK – A public right-of-way located across a block to provide pedestrian access to adjacent streets or areas.

TRAFFIC CONTROL DEVICES – All signs, signals, markings, and devices placed or erected by authority of the City of East Chicago or the State of Indiana, for the purpose of regulating, warning, or guiding traffic.

VARIANCE – A modification of the strict terms of this Title, where the modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of action or inaction of the applicant, subdivider or owner, a literal enforcement of this chapter would result in unnecessary and undue hardship. Variances in subdivision regulations are granted solely by the Commission.

YARD – A space on the same lot with a principal building that is open and unobstructed by structures except as otherwise authorized herein.

YARD, FRONT – A yard extending across the full width of the lot unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures, but not including porches or decks, the depth of which is the least distance between the front lot line and the front line of the building.

YARD, SIDE – A yard between the principal building and the adjacent side lot line, that extends from the front yard to the rear yard, the width of which is the least distance between the side lot line and the adjacent side of the building.

YARD, BACK – A yard extending across the full width of a lot and bounded on the rear by the rear lot line, the depth of which is the least distance between the rear lot line and the rear of the principal building.

ZONING ORDINANCE Title 17 of the East Chicago Municipal Code.

16.02.020 Construction of Language.

The language of these Regulations shall be interpreted as follows:

A. The particular shall control the general.

B. In the case of any difference of meaning or implication between the text of these Regulations and any illustration or diagram, the text shall control.

C. The word "shall" is always mandatory and not discretionary.

D. The "may" is permissive.

E. Words used in present tense shall include the future; words used in the singular shall include the plural; and the plural, the singular, unless the context clearly indicates the contrary.

F. A "building" or "structure" includes any part thereof, unless the context clearly indicates the contrary.

G. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", "occupied for", and similar terms.

H. Unless the context clearly indicates the contrary, where a regulations involves two or more items, conditions, provisions or events connected by a conjunction:

1. "and" indicates that all connected items, conditions, provisions or events shall apply.

2. "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

3. "either . . . or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

16.03 DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

Sections:

16.03.010 Compliance with Comprehensive Plan and Zoning Ordinance
16.03.020 Compliance with design standards and state regulations
16.03.030 Commission to control improvements
16.03.040 Monuments
16.03.050 Street requirements
16.03.060 Street classification and minimum street right-of-ways (Reserved)
16.03.070 Alleys
16.03.080 Easements
16.03.090 Utilities
16.03.100 Blocks

16.03.110 Lots
16.03.120 Water and sewer systems
16.03.130 Street lights
16.03.140 Street signs (Reserved)

16.03.010 Compliance with Comprehensive Plan and Zoning Ordinance

The subdivision and its components shall conform to all elements of the Comprehensive Plan and to all regulations as set forth in the Zoning Ordinance, as amended.

16.03.020 Compliance with design standards and state regulations

All development covered by these Regulations shall be constructed in accordance with the design standards set forth herein and also in accordance with the latest editions of the *Indiana Standard Specifications of Road and Bridge Construction and Maintenance* and amendments thereto. In addition, the development shall comply with all other applicable local, state and federal requirements.

16.03.030 Commission to control improvements

The construction of any and all improvements described in these Regulations shall be in every case under the direction, inspection and control of the Commission or its agents and employees. No improvements or installations shall be made unless and until all necessary plans, profiles and specifications have been submitted to and approved by the Commission. The costs of the improvement, including all legal fees, engineering fees and expenses, and publication costs shall be paid by the applicant, developer or lot owners directly benefitted.

16.03.040 Monuments

The applicant shall have a survey of the subdivision made and monuments and markers places conforming to the following specifications:

A. A complete survey shall be made by a registered land surveyor or professional engineer. The traverse of the exterior boundaries of the tract and of each block, when computed from field measurements on the ground, shall close within a limit of error on one foot to 10,000 of the perimeter before balancing the survey.

B. A permanent monument shall be placed at each corner and at each change of direction in the boundary lines of the subdivision. Such permanent monuments shall be of concrete, reinforced over its full length with a ½ inch reinforcement bar, which shall be clearly visible at the top. These monuments shall be 36 (thirty-six) inches long and not less than 6 (six) inches in least diameter at the bottom and 4 (four) inches in least diameter at the top.

C. Iron pipe markers shall be placed at all block corners, at the beginning and end of all curves, at a point where a waterway changes its radius and at all angle points in any line. Such markers shall be not less than two feet in length and ¾ inch in diameter.

D. Monuments and markers shall be set flush with the ground in manner approved by the City Engineer.

16.03.050 Street requirements

All streets shall be graded to the grades and dimensions as shown on plans and profiles and as approved by the Commission. Such streets shall conforms to the following:

A. The arrangement, character, extent, width, grade and location of all streets shall be correlated to existing and planned streets, existing topography, public safety, and in their appropriate relations to the proposed uses of the land to be served by those streets.

B. Local streets shall be laid out so that their use by through traffic will be discouraged.

C. No new streets shall have a name which duplicates or so nearly duplicates as to be confused with any existing street within the City, unless the new street is to be an extension of an existing street, in which case the street shall bear the name of such existing street. Continuous local and collector streets which have major directional changes shall require a change in street name for each directional change.

D. Street roadways shall be surfaced to the minimum width set forth in Table 1, herein. Street roadways shall be of bituminous concrete with a base course of ten inches compacted crushed stone, a two-inch asphalt binder course, and a one-inch minimum asphalt surface; provided, however, that the Commission may permit the installation of surfacing other than bituminous concrete subject to standards assuring that such surfacing will be equivalent to the above mentioned roadway depth.

E. Industrial roadways shall be of bituminous concrete with a base course of twelve (12) inches compacted crushed stone, a two-inch asphalt binder course, and a one-inch minimum asphalt surface; provided, however, that the Commission may permit the installation of surfacing other than bituminous concrete subject to standards assuring that such surfacing will be equivalent to the above mentioned roadway depth.

F. Suitable drainage structures, culverts, storm sewers, ditches and related installations shall be provided to insure adequate drainage of all points along the streets. Such structures or installations shall be placed in accordance with the latest edition of the *Indiana Standard Specifications of Road and Bridge Construction and Maintenance* and other standards that the Commission may deem essential upon advice of the City Engineer.

G. Street shoulders shall be constructed which are uniformly and thoroughly compacted by rolling, and level with the tops of curbs.

H. Curbs and gutters shall be constructed for all street pavements in all subdivisions. Curbs shall be of concrete and have a width of 24 inches, a rear height of 12 inches. Curbs shall be constructed over a sufficient base. An expansion joint shall be placed at 35 foot intervals. At each expansion joint 2 ½ inch diameter steel smooth dowel rods 24 inches long shall be placed and evenly divided at the joints.

I. All work on grading, surfacing and improvements shall be performed in the manner prescribed in the latest edition of the *Indiana Standard Specifications of Road and Bridge Construction and Maintenance;* provided, however, that the Commission may make additional requirements based on soil characteristics.

J. Private driveways shall be constructed with a bituminous or concrete surface. If the construction is to be hot asphaltic concrete, the surface of the driveway shall be excavated a minimum of six inches below finished grade line and filled with four inches of crushed stone and two inches of hot asphaltic concrete. Each course shall be thoroughly compacted by rolling. The base course may be compacted with a vibratory compactor.

K. If the construction is to be Portland cement concrete, the driveway shall be excavated a minimum of four inches and filled with concrete, with wire mesh, 6 x 6, 10/10 W.W.F. The wire mesh shall extend to within two inches of each edge. Solid forms shall be used

and in no case will earth be allowed to substitute as a form. If the driveway is 20 feet or longer, a preformed expansion joint shall be placed at 20 foot intervals, with ½ inch round bars, painted and oiled, placed at three foot intervals across this joint. The edges of the drive shall be edged with a ¾ inch edger.

16.03.060 Street Classification and Minimum Street Right-of-ways (Reserved)

16.03.070 Alleys

A. Residential areas: Alleys are discouraged, but may be approved in new developments if the Commission determines that the access for delivery of public and private services will be impaired without an alley. Alleys, when deemed necessary, shall be not less than twenty (20) feet in width.

B. Commercial, industrial and institutional areas: Service access, including off street parking and loading areas which do not require the use of alleys are encouraged. If the Commission determines that service access is insufficient without alleys, they shall be required. Alleys, when required, shall not be less than thirty (30) feet in width.

C. Alley intersections and alleys with sharp changes in alignment are discouraged, but where such intersections or changes are unavoidable, corners shall be cut off with a radius of not less than ten (10) feet or sufficiently to permit safe vehicular movement.

D. Dead end alleys are discouraged but where such alleys are unavoidable, they shall be provided with adequate turnaround facilities at the closed end.

E. Alleys shall be surfaced to the full width of their right-of-ways. Alley roadways shall be bituminous concrete with a base course of six inches compacted crushed stone, a two-inch asphalt binder course, and a one-inch minimum asphalt surface; provided, however, that the Commission may permit the installation of surfacing other than bituminous concrete subject to standards assuring that such surfacing will be equivalent to the above mentioned roadway depth.

16.03.080 Easements

Easements centered on rear or side lot lines shall be provided for utilities where necessary and shall be not less than 7.5 feet wide on both sides of the property line. Easements shall be continuous to the street at the end of the block to connect with adjoining blocks in an efficient manner.

16.03.090 Utilities

A. The subdivider shall provide a system of gas and electrical distribution lines to serve all lots within the subdivision.

B. Underground installation is required in new residential subdivisions.

C. Underground installation is encouraged in commercial and industrial areas. Aerial installation is prohibited within 50 feet from any affected residential area.

16.03.100 Blocks

A. Block length shall not exceed 1,300 feet, except that a longer length may be permitted where it achieves conformity with existing streets.

B. Blocks shall be wide enough to allow two tiers of lots of at least minimum depth, except where lots front on major arterial streets or in the presence of adverse topographical conditions.

C. Pedestrian access through blocks longer than 800 feet may be required where such access is deemed essential by the Commission.

16.03.110 Lots

A. Lot sizes, setbacks and yard requirements shall conform to the requirements of the Zoning Ordinance.

B. Every lot shall abut and front on a public street.

C. Lots shall be consecutively numbered and addresses shall be assigned in accordance with the uniform address system of the City.

16.03.120 Water system and sewage disposal system

A. The water supply and sewage disposal systems for all subdivisions shall meet the design standards and requirements of the State Board of Health, the local Board of Health, applicable provisions of these Regulations and any other City code.

B. Water Mains:

1. In residential, business and industrial areas, water mains shall have a minimum nominal diameter of eight inches. For diameters of eight inches, ten inches or twelve inches, water mains shall be pressure class 350, or an approved equal, ductile iron pipe manufactured in the U.S.A. in accordance with the latest revision of ANSI/AWWA C151/A21.51. Each pipe shall be subjected to a hydrostatic pressure test of at least 500 psi at the point of manufacture.

2. Pipe shall have standard asphaltic coating on the exterior. Pipe shall also have a cement mortar lining on the interior in accordance with ANSI/AWWA C104/A21.4, or latest revision. Water mains with nominal diameters of 14 inches or larger shall be a pressure class approved by the City utility.

C. Hydrants:

Water hydrants shall be the same as those presently used throughout the City with two 2 ½ inch openings and one 4 ½ inch pumper nozzle, all national standard thread. Hydrants shall be placed along the streets not more than three feet back of the curb line, at intersections whenever possible. The maximum distance between hydrants and valves in residential areas shall be 450 feet and in business and industrial areas shall be 350 feet. Ports or openings shall be elevated between 26 and 34 inches above grade and be turned facing the street.

D. Sewage System:

Sanitary house connection sewers shall be no less than four inches in diameter. If less than six inches, PVC-ASTM-3033-3034 must be used. Sanitary local sewers to serve a subdivision, or a part thereof, shall be a minimum of eight inches, inside diameter.

E. Water Supply Interconnections:

There shall be no cross-connection between a public and private water supply system and a sewer which will permit the passage of any sewage or polluted water into the water supply. Sewers shall be kept removed from water supply sources and structures.

F. Relation of Sewers to Water Mains:

A minimum horizontal distance of ten feet shall be maintained between water and sanitary sewer lines servicing any property. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe, or encased in concrete for a distance of ten feet in each direction from the crossing, measured perpendicular to the water line. This will not be required when the water main is at least two feet above the sewer.

G. Valves:

Water main valves shall be located at every street and cul-de-sac intersection and before each hydrant.

16.03.130 Street lights

A complete street lighting system with underground wiring shall be provided in accordance with standards adopted by the Board. In order to decrease the hazards of vehicular and pedestrian traffic incidents, the subdivider shall install approved street lights at all intersections and other areas deemed necessary, in a manner prescribed in the standards adopted by the Board.

16.03.140 Street signs (Reserved)

16.04 WAIVER OF STANDARDS AND SPECIFICATIONS

Sections:

16.04.010 Modifications permitted
16.04.020 Limitations
16.04.030 Conditions
16.04.040 Procedure

16.04.010 Modifications permitted

Where the Commission finds that strict compliance with these Regulations would result in extraordinary or undue hardship to the subdivider, or that these conditions would result in retarding the achievement of the objectives of this chapter, then the Commission may, after written application by the applicant, approve variations or exceptions to these Regulations within the limitations and conditions stated below, provided that such variations or exceptions shall not have the effect of nullifying the intent and purposes of these Regulations or the Comprehensive Plan.

16.04.020 Limitations

The Commission shall approve variations or exceptions to these Regulations only where its finds, based upon the evidence presented on a case by case basis, that:

A. Because of the particular physical characteristics of the specific property involved, a particular hardship to the subdivider would result if the strict letter of these Regulations was carried out.

B. The variation or exception will not have the effect of reducing the traffic capacity of any major arterial or collector street.

C. The variation will not be detrimental to the purposes set forth herein.

16.04.030 Conditions

In granting variances, modifications, exceptions or waivers, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements so affected.

16.04.040 Procedure

A. A variance from the terms and conditions of this chapter may be requested by the filing of a written petition with the administrative secretary of the Commission, setting forth the variance requested and any other information deemed necessary by the Commission. Upon receipt of this petition, the request for variance shall be included in the advertising and notice given for the public hearing regarding plat approval.

B. Should the applicant request variance subsequent to the public hearing held on plat approval, another public hearing, advertised and held in conformance with the Commission's requirements regarding public hearings, will be required.

16.05 PRELIMINARY REVIEW PROCEDURES

Sections:

16.05.010 Request for preliminary review
16.05.020 Commission review

16.05.010 Request for preliminary review

An applicant for subdivision approval may appear before the Commission to discuss the proposal before filing an application for preliminary plat approval. Preliminary review is encouraged but not required. No fee or formal application is required for this meeting, however, the applicant should submit a sketch plan and a letter of intent describing the area which is intended to be subdivided and setting forth the plan for the proposed land use, existing characteristics, availability of facilities and utilities, and site access and proposed street layout. The applicant should be prepared to discuss the details of the proposed subdivision.

16.05.020 Commission review

The Commission shall inform the applicant whether the plans and data as submitted or modified appear to meet the objectives of these Regulations. When the Commission finds that the objectives are not met, it shall express its reasons therefore in writing. When the Commission finds that the plan is acceptable, it shall inform the applicant in writing of any rezoning required, provide an application form to be submitted with the preliminary plat, and place the project on the Commission agenda on a mutually agreeable date.

16.06 PRIMARY PLAT APPROVAL PROCEDURES

Sections:

16.06.010 Application
16.06.020 Staff Review
16.06.030 Public Hearing
16.06.040 Approval or Disapproval

16.06.010 Application

An applicant for primary subdivision approval shall submit an application for approval of a preliminary plat to the Commission on a form provided by the Commission and submitted at least ten (10) days prior to the Commission meeting at which it is to be considered. The application shall be accompanied by the following:

1. Three copies of all maps and data as required in 16.09.020.
2. A check or money order in the amount set forth in 16.12.010.

In addition, the applicant shall deliver one copy of the application form and all maps and data as required in 16.09.020 to the following:

City Engineer
Sanitary District
Department of Parks and Recreation
Building Department
Department of Redevelopment
Fire Department

3. An erosion control plan as required by the Soil Conservation Service

16.06.020 Staff Review

A. Upon receipt of an application for primary approval, the Commission staff shall review the application for technical conformity with the standards fixed in the subdivision control ordinance. At the first Commission meeting following the completed application filing, but in any event not more than thirty (30) days after receipt, the staff shall announce the date for a hearing before the Commission and provide for notice to interested parties.

B. After the staff has announced a date for a hearing before the Commission, it shall:
   1. Notify the applicant in writing;
   2. Give notice of the hearing by publication.
   3. Provide for ten (10) days notice to interested parties.

16.06.030 Public Hearing

A. The Commission shall hold the public hearing in accordance with the procedures established in the Plan Commission Rules of Procedure.

B. In determining whether to grant primary approval of a plat, the Commission shall determine if the plat or subdivision qualifies for primary approval under the standards prescribed by the subdivision control ordinance. The Commission must make written findings stating whether the plat meets the subdivision ordinance standards regarding:
   1. minimum width, depth, and area of lots in the subdivision;
   2. public way widths, grades, curves, and the coordination of subdivision public ways with current and planned public ways; and
   3. the provision and/or extension of water, sewer, and other municipal services.

C. As a condition of primary approval of a plat, the Commission may specify:
   1. the manner in which public ways shall be laid out, graded, and improved;
   2. a provision for water, sewage, and other utility services;
   3. a provision for lot size, number, and location;
   4. a provision for drainage design; and
   5. a provision for other services as specified in the subdivision control ordinance.

16.06.040 Approval and Disapproval

A. If, after the hearing, the Commission determines that the application and plat comply with the standards in the subdivision control ordinance, it shall make written findings and a decision granting primary approval to the plat. The primary approval must be certified on behalf of the Commission and signed by the Plan Commission Chairman and the City Engineer.

B. If, after the hearing, the Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy. This decision must be signed by the Plan Commission Chairman and the City Engineer.

C. The primary approval or disapproval of a plat by the Commission or the imposition of a condition on primary approval is a final decision of the Commission that may be appealed in the manner provided in Chapter 16.14 herein, according to Indiana Code.

D. If the Commission fails to take action on the application for primary approval within sixty (60) days of the public hearing, the application is automatically approved.

16.07 SECONDARY (FINAL) PLAT APPROVAL PROCEDURES

Sections:

16.07.010 Application for secondary approval
16.07.020 Commission review
16.07.030 Bonds for improvements
16.07.040 Use of bond proceeds
16.07.050 Plat filing and recording

16.07.010 Application for secondary (final) plat approval

Thirty (30) days or more following the date of primary approval, the applicant may request secondary plat approval upon the submission of the secondary (final) plat as set forth in 16.09.030.

16.07.020 Commission review

Upon the determination of the City Engineer that all improvements and infrastructure installation required for the subdivision have been properly completed and accepted by the applicable city boards or utilities, the Commission may grant secondary approval of the plat. No notice or hearing is required.

16.07.030 Bonds for improvements

Secondary approval of the subdivision plat may be granted to a plat for subdivision in which the improvements and installments have not been completed and accepted as required by the subdivision control ordinance, if

1. the applicant provides a bond, or other proof of financial responsibility such as a letter of credit that:
    a) is an amount determined by the Commission be sufficient to complete the improvements and installations in compliance with the ordinance; and
    b) provides surety satisfactory to the Commission, or
2. with respect to the installation or extension of water, sewer, or other utility service:

a) the applicant shows by written evidence that it has entered into a contract with the political subdivision or utility providing the service and installation; and
b) the Commission determines based on written evidence that the contract provides satisfactory assurance that the service will be installed or extended in compliance with the subdivision control ordinance.

16.07.040 Use of bond proceeds

Any money received from a bond or otherwise shall be used only for making the improvements and installation for which the bond or other proof of financial responsibility was provided. This money may be used for these purposes without appropriation. The improvement or installation must conform to the standards provided for such improvements or installations in the City of East Chicago and State of Indiana, as well as the subdivision control ordinance.

16.07.050 Plat Filing and Recording

After a plat of subdivision has received secondary approval and been signed and certified by the Plan Commission Chairman and the City Engineer, the plat may be filed with the Lake County Auditor and recorded in the Lake County Recorder's office.

16.08 VACATIONS (Reserved)

16.09 DOCUMENT SUBMISSION SPECIFICATIONS

Sections:

16.09.010 Sketch Plan
16.09.020 Primary Plat
16.09.030 Secondary (final) Plat
16.09.040 Vacations (Reserved)

16.09.010 Sketch Plan

For use during preliminary review by the Commission, the applicant shall submit a sketch plan to present to the Commission and staff. Such plan may be drawn as a freehand pen or pencil sketch and does not require precise dimensions or any special sheet size. A sketch plan should show the location, proposed street and lot layout and other significant features of the proposed subdivision.

16.09.020 Primary Plat

The following maps and data shall be submitted with the application for primary plat approval. These maps and data may be on separate sheets or combined on one or more sheets, depending on the size and complexity of the proposed subdivision.

A. Proof of ownership of property
B. Location map of the proposed subdivision, drawn at a scale of one-inch equals 400 feet or less, showing:
    1. Location of proposed subdivision within the City of East Chicago
    2. Zoning of the tract and adjacent properties
    3. Existing related streets, including the distances therefrom

C. Site map of the proposed subdivision and all lands within 300 feet of its boundaries, except where the proposed subdivision borders on an existing subdivision, the site map need only include the first tier of dwellings boundaries, showing:

1. Existing contours based on USGS datum with intervals of not more than five feet where the slope is greater than 10% and not more than two feet where the slope is 10% or less. Elevations shall be based on sea level datum.
2. Character and location of natural or artificial features existing on the land which would affect the design of the subdivision, such as wooded areas, embankments, retaining wall, buildings or nonresidential land use.
3. Existing and proposed streets and right-of-ways; including dedicated width, roadway widths, approximate gradients; and type and widths of pavements, sidewalks and curbs.
4. Existing and proposed easements, including width and purposes.
5. Existing water mains, storm sewers, sanitary sewers, culverts, bridges, gas mains, cellular towers, power lines, and other utility structures within the tract, including pipe sizes, grades and exact locations as obtained from public records.
6. Areas subject to periodic overflow of flood or storm waters.
7. Subsurface conditions, including information about ground water levels, stability of subsoils, and possible contamination. The results of soil analysis test, if required.
8. Tract boundary lines by calculated distances and bearings.
9. Proposed landscaping.
10. Title, graphic scale, north arrow and date.

D. Subdivision plat of the proposed subdivision drawn legibly on tracing cloth or equal material of good quality at a scale of not more than 100 feet to one-inch showing:

1. The proposed name and/or number of the subdivision by which it shall legally and commonly be known.
2. Legal description of the subdivision.
3. Names and addresses of the owner(s), the subdivider and the engineer or surveyor who prepared the plat. The signature and seal of a licensed land surveyor or professional engineer must appear on a primary plat if work is to commence on public improvements prior to secondary plat approval.
4. Total acreage within the subdivision and residential density in number of dwelling units per gross acre of residential area.
5. Street pattern, including the name of each street (which shall not duplicate an existing street name unless it is an extension of an existing street), widths of right-of-ways of streets and alleys and approximate grades of streets.
6. Layout of lots, including dimensions, numbers and building setback lines. All lots intended for sale shall be consecutive throughout the several additions. Where all the lots are of the same dimensions, it shall be sufficient to so state and mark the precise length and width upon one tier thereof. All triangles or other lots which are neither squares nor parallelograms shall have the length on each side plainly defined by figures.
7. Parcels of land proposed to be dedicated or reserved for public use or reserved for use of all property owners of the subdivision, with the proposed conditions, if any, attached to such dedication or reservation. Such private parks and excluded

parcels shall be designated as such in printing upon the plat and shall be lettered respectively or given a name.

8. Key plan, legend, notes, graphic scale, north arrow, and date.

9. In case of a replat, all descriptive lines of the original plat being replaced shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat, the new plat being clearly shown in sold lines so as to avoid ambiguity or confusion.

E. Engineering plans for the proposed subdivision showing:

1. A centerline profile of all proposed streets or roads, with typical cross sections indicating proposed crowns and slopes anticipated in meeting required street improvements. Such profile shall display the locations and typical cross-section of street pavements including curbs, gutters, sidewalks, drainage easements, servitudes, right-or-ways, manholes and catch basins; the location of street trees, street lighting, and street signs; the location size and invert elevations of existing and proposed sanitary sewers, stormwater drains and fire hydrants, showing connection to any existing or proposed utility systems; and the exact location and size of all water, gas or other underground utilities or structures.

F. Statement of the proposed uses of lots, stating type of residential buildings with number or proposed dwelling units; type of business or industry; so as to reveal the effect of the development on traffic, fire hazards or congestion.

G. Proposed covenants and restrictions, set out in full.

H. Proposed zoning plan for the area, if any zoning changes are proposed.

I. Statement of the date upon which it is proposed to commence and complete development, once approved.

J. Such other information as may be deemed necessary for proper review.

16.09.030 Secondary (final) plat

The following maps and data shall be submitted for secondary plat approval:

A. A secondary (final) plat that is clearly and legibly drawn with black india ink on tracing cloth or equal material. Reproduction processes used shall leave the paper and ink unaltered and reproduction by a wet process such as photostating shall not be accepted. Each sheet of the secondary plat shall be 24x36 inches in size. When more than one sheet is required all sheets shall be indexed in an orderly consecutive fashion and a small scale key drawing of the entire subdivision, showing the portions of the subdivision appearing on respective sheets, shall appear on the first sheet. The secondary plat shall be drawn to a scale of not more than 100 feet to one-inch and shall show the following:

1. The name by which the subdivision shall be legally and commonly known, shown on the plat in prominent letters at the top of the sheet.

2. Location of the subdivision by section, township, and range, municipality, county and state.

3. The exact location of subdivision boundaries indicated on the plat drawings by distances and bearing, with reference to at least two of the nearest recognized permanent monuments of section corners.

4. Names of owner(s) and registered surveyor or registered engineer preparing the plat.

5. Date of the survey, scale of map, and north arrow.

6. All subdivision boundaries, showing length of courses to 1/100 foot and bearing to half minutes, and radii and angles of all curves and tangents.

7. Exact location, width and name of all streets within and adjoining the subdivision and the exact location and width of all alleys and thruwalks.

8. Radii, internal angles, points in curvature, tangent bearings and lengths of all arcs, chord and chord bearings.

10. All lot numbers and lot lines, with accurate dimensions in feet and hundredths, and with bearing or angles to street and alley or thruwalk right-of-way lines. Where all lots are of the same dimensions, it shall be sufficient to so state and mark the precise length and width upon one tier thereof. All gores, triangles or other lots which are neither squares nor parallelograms shall have the length of each side plainly defined by figures. Blocks in numbered additions to subdivisions bearing the same name may be numbered consecutively through the several additions.

11. Accurate location of all monuments erected, corners and other points established in the field in their proper places. The material of which each permanent monument, corner or other point is made shall be noted by legend, symbol or otherwise.

12. Accurate outlines and legal descriptions, by courses and extent, of any areas (not including streets, alleys or public utility easements) to be dedicated or reserved for public use, with the purposes indicated thereon; and of any area to be reserved by deed covenant for common use of all property owners.

13. Building setback lines, with dimension.

14. When lots are located on a curve or when side lot lines are at angles others than 90 degrees, the width at the building line shall be shown.

15. All lake or stream shore meander lines established by the surveyor, the distances and bearings thereof, and the distance between the points of intersection of such meander lines with lot lines and the ordinary high water mark.

16. Abutting state highway lines and streets of adjoining plats shown in their proper location, with names and widths.

B. To entitle a secondary plat to be recorded, the following certificates shall be included and lettered or printed on the plat:

1. Certification by the Commission that all improvements and installations required by this chapter are in place.

2. Certification by the Secretary of the Commission that the subdivider has filed a performance bond which shall:

a) Run to the city;

b) Be in an amount determined by the Commission to be sufficient to complete the improvements and installations required by this chapter;

c) Be with surety satisfactory to the Commission; and

d) Specify the time for completion of improvements and installations.

3. Certification by a registered engineer or land surveyor that the plat represents a survey made by the person; that all monuments shown thereon actually exist and that their locations are correctly shown; and that all dimensional and geodetic details are correct.

4. Form of dedication, stating the name of the plat, that the lands embraced therein have been surveyed and platted and that the streets, alleys, public areas, sewers, water lines, and other improvements shown are dedicated to the use of the public. The dedication shall be signed by the person(s) holding the title by deed of the land, by any person

holding any other title of record, by any person holding title as vendee under land contract, and stating if the lands to be dedicated to public use are mortgaged. The signatures must be witnessed and execution of the dedication must be acknowledged as deeds conveying lands are required to be witnessed and acknowledged.

a) All the above required information shall be in proper form for the approval of the Commission.

b) A request for acceptance of dedicated improvements and land, and acceptance of the plat by the Common Council shall also be in a proper form for submission to the Common Council.

c) The subdivider shall submit with the secondary plat an abstract of title certified to date, or at the option of the subdivider, a policy of title insurance, for examination by the Commission, in order that the Commission may ascertain whether the proper parties have signed and acknowledged the required certificates on the plat, and whether the property involved is free and clear of all encumbrances; provided, however, that the Commission may waive this requirement if it determines that unusual circumstances make such abstract or policy unnecessary.

d) Any existing or proposed protective covenants that are to run with the land shall be submitted with the secondary plat. These covenants may be shown upon the secondary plat, but if they are not so shown, they shall be submitted with the secondary plat in form for recording, and shall be recorded concurrently with the secondary plat.

e) The subdivider shall submit with the secondary plat all the necessary plans, profiles, and specifications for the improvements and installations required by these Regulations; provided, however, that such plans, profiles and specifications may, at the option of the subdivider, be filed prior to the filing of the secondary plat.

16.09.040 Vacation approval procedures. (Reserved)

16.10 CERTIFICATES OF ERROR

Engineer's "certificates of error" or "certificates of correction" reciting and correcting subsequently discovered engineering or surveying errors of measurement or typographical errors in recording plats, replats, or vacations, shall not be required to follow the procedures outlined herein, but shall require approval by the City Engineer prior to recording of such corrections.

16.11 ACCEPTANCE OF IMPROVEMENTS

Sections:

16.11.010 Official acceptance of improvements
16.11.020 Maintenance bond
16.11.030 Bond release

16.11.010 Official acceptance of improvements

Prior to the official dedication of streets and other improvements for the benefit of the City, the subdivider shall provide for a final inspection of all improvements by the City Engineer

or his designee, and shall provide "as built" maps of all improvements. Upon the certification of the completion of improvements in conformance with these Regulations by the City Engineer, the City may accept the improvements, subject to 16.11.020.

16.11.020 Maintenance bond

Prior to the acceptance of any street or other improvement by the City, the subdivider shall post a maintenance bond and/or other acceptable security naming the City as oblige in an amount approved by the Board, upon a recommendation of an amount deemed appropriate by the City Engineer to insure maintenance of the improvements for a period of at least 24 months from the date of acceptance by the City. Cash, a letter of credit, or equivalent security may be submitted in lieu of a maintenance bond.

16.11.030 Release of bond

Bonds or other securities provided by the subdivider to guarantee installation of the improvements, or maintenance thereof, may be reduced or released by the Board, on behalf of the City, upon a favorable recommendation of the Commission.

16.12 FEES

Sections:

16.12.010 Primary plat fee
16.12.020 Secondary (final) plat fee
16.12.030 Vacation fee (Reserved)

16.12.010 Primary plat fee

An applicant for primary plat approval shall pay the fee specified in the Uniform Schedule of Fees, established by the Commission, to defray the cost of checking and verifying an applicant's preliminary plat. The fee schedule is proportionate to the actual cost of checking and verifying proposed plats. Payment shall be made by check or money order and shall accompany the application for primary plat approval.

16.12.020 Secondary (final) plat fee

An applicant for secondary plat approval shall pay the fee specified in the Uniform Schedule of Fees, established by the Commission, to defray a portion of the cost of inspecting the installation of the improvements required by these Regulations. Payment shall be made by check or money order and shall accompany the application for secondary plat approval.

16.12.030 Vacation fee (Reserved)

16.13. ENFORCEMENT, ABATEMENT AND PENALTIES

Sections:

16.13.010 Enforcement
16.13.020 Abatement
16.13.030 Penalties

16.13.010 Enforcement

The Plan Commission, the Board of Zoning Appeals (BZA) or any designated enforcement official may institute a suit for injunction in the Lake County Circuit Court to restrain an individual or government unit form violating any provision of this Title.

16.13.020 Abatement

The Commission or BZA may institute a suit for a mandatory injunction directing an individual, person, firm, corporation, other business entity, or a government unit to remove a structure erected in violation of the provisions of this Title. If the Commission or BZA is successful in its suit, the respondent shall bear the cost of the action.

16.13.030 Penalties

Any individual, person, firm, corporation or other business entity who violates any provision of this Title shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Ten Dollars ($10.00) and not more than Three Hundred Dollars ($300.00). Each day the violation continues shall constitute a separate offense and the penalties for each violation shall be cumulative.

16.14 APPEALS

Every decision of the Commission shall be subject to review by certiorari. Each person aggrieved by a decision of the Commission may present to the Lake County Circuit or Superior Court a verified petition setting forth that the decision is illegal in whole or in part, and specifying the ground of the illegality. The petition shall be presented to the court within thirty (30) days after the date of that decision of the Commission.

16.15 DISQUALIFICATION

A member of the Commission or Council may not participate in a hearing or decision of that Commission or Council concerning a subdivision or vacation matter in which he or she has a direct or indirect financial interest. The Commission or Council shall enter such a disqualification on the record.

16.16 AMENDMENTS

These Regulations may be amended from time to time in the manner provided by Indiana Code.

16.17 SEVERABILITY

Should any article, section, subsection, clause, provision or part of these Regulations be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of these Regulations as a whole or any other part thereof, other than the part so declared to be invalid.

This ordinance shall be and is in full force and effect from and after this date as required by law and is hereby adopted and enacted by the Common Council of the City of East Chicago, Indiana, this _____ day of _____, 199__.

PASSED AND ADOPTED by the Common Council of the City of East Chicago, Indiana this 21st day of December, 1998.

Presiding Officer

ATTEST:

Mary Morris Leonard, City Clerk

PRESENTED by me to the Mayor of the City of East Chicago, Indiana on this 28 day of December, 1998.

City Clerk

APPROVED AND SIGNED by me this 28 day of December, 1998.

Mayor

FILED IN CLERK'S OFFICE

DEC 30 1998

Clerk, East Chicago City Court