

Subdivision Regulations

City of Muncie, Indiana

CITY OF MUNCIE – SUBDIVISION REGULATIONS

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ORDINANCE NO.

An ordinance to provide for the control of the subdivision of land, the approval of plats and replats of land, and control of the creation, opening or dedication of easements within the jurisdiction of the Muncie City Plan Commission, as a part of the master plan for the City of Muncie, Indiana, and to repeal “an ordinance providing for the control of the subdivision of land and the approval of plats or replats of land within the jurisdiction of Muncie Plan Commission, as a part of the master plan for the City of Muncie, Indiana” passed by the common council of the City of Muncie, Indiana on January 8, 1951, and repealing all ordinances supplementary and amendatory thereto.

Whereas, the City of Muncie has been enforcing a subdivision ordinance for several years as a part of its planning activities, and,

Whereas, the master plan for the City of Muncie and the surrounding urban area is now being revised and it is only logical that such revisions embrace the existing subdivision ordinance:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA:

ARTICLE I DEFINITIONS

Section 28-1 Definitions – For the purposes of this chapter the following words and phrases shall have the meanings and interpretations respectively ascribed to them in this section.

COMMISSION - The City Plan Commission.

CUL DE SAC - A short street having one end open to traffic and being permanently terminated by a vehicular turnaround, usually a circle.

EASEMENT - A grant or dedication by a property owner of the use of a parcel of land for specified purposes, including but not limited to street rights-of-way, utility easements, and easements of access.

LOT - A portion of a subdivision, or any other tract of land intended as a unit for transfer of ownership.

MASTER PLAN - The complete plan, or any of its parts, for the development of the city, when adopted as provided by law.

PLAT - A map or drawing showing a subdivision or resubdivision of land, including easements, which the subdivider submits for approval, and intends in final form to record.

PLAT, FINAL - The map or drawing prepared by a registered land surveyor or engineer

on which the subdivider's plan of subdivision, set forth in accordance with the requirements of this ordinance, is presented for secondary approval and which, if approved, may be submitted to the Delaware County Recorder for recording in the Book of Plats. The term final plat shall be synonymous with secondary plat.

PLAT, PRELIMINARY - The drawing or drawings prepared by a registered land surveyor or engineer indicating the proposed manner of layout of a subdivision which meets all conditions of this ordinance and is submitted to the Plan Commission for primary approval. The term preliminary plat shall be synonymous with primary plat.

PRIMARY APPROVAL - An approval, or approval with conditions imposed, granted to a preliminary subdivision plat by the Plan Commission after having determined in a public hearing that the subdivision complies with the standards prescribed in this ordinance and which is the approval necessary to begin the process of developing the subdivision.

SECONDARY APPROVAL – A second and last stage of approval granted to a final subdivision plat found to be in conformance with the terms of the primary approval and the requirements of this ordinance including the requirements dealing with the installation and completion of all required improvements which is the approval necessary to allow the designated officials to sign the plat and to allow submission of the plat to the Delaware County Recorder for recording.

STREET - A right-of-way, dedicated to the public use, or, in certain instances, it may be restricted for private use.

- (a) Minor Street – A street intended primarily as access to abutting properties.
- (b) Secondary Street – A street for collecting traffic from several minor streets to a major street.
- (c) Major Street – A street shown on the Major Street Plan, a part of the master plan.

SUBDIVISION – For the purpose of these regulations a subdivision of land is: (1) the division of land into two or more tracts, sites or parcels of five acres or less in area, including the re-subdivision of any existing lot or lots, or of an entire subdivision; provided, however, that neither the sale or exchange of small parcels of land to or between adjoining property owners, nor the sale of a part or parts of adjoining lots within a platted subdivision where such sale or exchange does not create additional lots or building sites, shall not be considered as a subdivision of land; (2) the establishment or dedication of a road, highway, street, alley or public easement through a tract of land regardless of area; (3) the division or partition of land into lots or parcels under the MHR Mobile Home Residence Zone requirements or the Planned Unit Development requirements shall not be considered a subdivision for the purpose of the ordinance, however, where any Planned Unit Development or MHR development involves the division or allocation of land for the opening, widening or extension of a public street,

such street shall be constructed and designed in accordance with the standards set forth in this ordinance. Nothing shall prevent an owner of developer from electing to subdivide lots under the provisions of this ordinance in the MHR Mobile Home Residence Zone or a Planned Unit Development.

TERRITORIAL JURISDICTION – The incorporated area within the limits of the City of Muncie, Indiana, and such contiguous unincorporated area within the jurisdiction of the Commission as provided by law.

ARTICLE II – CONTROL AND PROCEDURE

SECTION 28-2 PLAT MUST BE APPROVED BEFORE RECORDING

Any person who may lay out a subdivision of any lot or lands within the City of Muncie or its territorial jurisdiction, shall prior to the sale of any lots in such subdivision, cause to be recorded in the Office of the County Recorder of Delaware County a correct plat of such subdivision. No plat or replat of any subdivision of land, or creation, opening or dedication of a street or public easement within the City of Muncie or its territorial jurisdiction, shall be eligible for recording until it shall have been approved by the Commission and such approval entered in writing on the plat. Any plat, lot or tract not so approved, shall be subject to the provisions of ARTICLE IX of the Ordinance.

SECTION 28-3 CONFERS WITH COMMISSION - Each subdivider of land should confer with the Plan Director or the City Engineer before preparing the preliminary plat, in order to become thoroughly familiar with any ordinances and the master plan proposals affecting the territory in which the proposed subdivision lies.

SECTION 28-4 (A) PRELIMINARY PLAT TO BE APPROVED - A preliminary plat and an application for a certificate shall first be submitted to the Plan Commission for its consideration as hereinafter provided. The design and layout of all subdivisions shall conform to the requirements of ARTICLE III herein. The subdivider shall submit a preliminary plat to the Commission prepared in accordance with specifications of ARTICLE IV herein.

SECTION 28-4 (B) REQUISITES FOR FINAL PLAT APPROVAL - Following approval of the preliminary plat by the Commission, the subdivider shall comply with the requirements of ARTICLE V, SECTION 28-21 herein before the final plat can be approved. The final plat shall conform to the requirements of said ARTICLE VI.

SECTION 28-5 BASIS FOR APPROVAL - In determining whether the plat shall be approved, the Commission shall be satisfied that:

1. Public facilities and services have been installed and will be of sufficient capacity to serve the proposed subdivision.
2. That subdivisions streets have been properly coordinated with existing and planned streets or highways.

3. That all lots and parcels of land in the subdivision meet the width and area requirements as contained in the current zoning ordinance.
4. That the provisions of the master plan including the Official Thoroughfare Plan have been carried out.
5. That the subdivision layout is conducive to improve traffic safety and circulation.

ARTICLE III – DESIGN

SECTION 28-6 UNSUITABLE LAND - No land shall be subdivided for residential use if such land shall be considered by the Commission as unsuitable for residential use for any of the following reasons: (a) flooding, (b) improper drainage, (c) objectionable earth or rock formation, (d) objectionable topography, (e) any other condition harmful to the health and safety of possible residents and the community as a whole.

SECTION 28-7

(A) RELATION TO ADJOINING STREET SYSTEM

The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary for public requirements. The width of such streets in new subdivision shall not be less than the minimum widths established herein. The street and alley arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it. Intersections of more than two streets shall be avoided. Street jogs with centerline offsets of less than 125 feet shall be avoided. The angle of intersection between minor streets and major streets shall not vary by more than 30 degrees from a right angle. Streets obviously in alignment with existing streets shall bear the names of the existing streets. Proposed street names that are in conflict with existing street names shall not be approved. Where a residential subdivision borders an existing major road shown on the Official Thoroughfare Plan for realignment or larger width, the subdivider shall dedicate the right-of-way but shall not be required to improve the road. Nothing in this ordinance shall be construed as preventing improvement requirements on existing roads under an access control ordinance as implemented by the city or county engineer.

(B) TRAFFIC IMPACT STUDIES AND IMPROVEMENTS

A traffic impact study shall be required for any development, or for the accumulated impacts of phased development, that meets any of the following warrants:

Warrant 1: Land Use Intensity

This warrant is satisfied when a development generates more than 100 street peak hour direction trips.

Warrant 2: Level-of-Service

This warrant is satisfied if the traffic generated by the proposed development causes the level-of-service (LOS) of the adjacent streets/intersections to drop a

level, or where nearby intersections presently operate at a level-of-service “D” or worse. LOS determination shall be in accordance with the procedures described in the Highway Capacity Manual.

Warrant 3: Roadway Modifications

This warrant is met when the proposed development is expected to significantly impact a roadway segment identified for improvement in the local or state Transportation Improvement Program. This warrant is also met when the proposed development includes modifications to the roadway system. Modifications include addition of lanes to accommodate site-generated traffic, addition of exclusive turning lanes, acceleration/ deceleration lanes, median openings, installation of traffic signals and other traffic control devices, etc.

Warrant 4: Special Cases

This warrant is satisfied if the preliminary study reveals that the traffic generated from the proposed development will create safety, operational, or some other traffic problem, as determined by the City/County Engineer or the Indiana Department of Transportation.

Based upon the traffic impact study, improvements shall be required to maintain the current level of service of the adjacent streets/intersections and nearby intersections. Improvements may also be required by the City/County Engineer or the Indiana Department of Transportation to address access requirements, safety, operational or other traffic flow concerns. All such traffic impact improvements are the responsibility of the owner/developer of the property and may be accomplished either solely by the owner/developer or in partnership with a public or private entity. Right-of-way shall be dedicated for existing roadways either in accordance with the Official Thoroughfare Plan or in a width sufficient to encompass all improvements required as a result of the traffic impact study, whichever is greater.

SECTION 28-8 STREET AND ALLEY WIDTHS.

1. The location and widths of major streets shall conform to the location and widths designated on the Major Street Plan.
2. Secondary streets shall have a width of not less than 60 feet.
3. The minimum width for minor streets shall be 50 feet, except that in cases where the topography or special conditions make a street of less width more suitable the Commission may waive the above requirements. When a street adjoins unsubdivided property, a half street – at least 30’ in width shall be dedicated and whenever the property being subdivided adjoins a half street the remainder of the street shall be dedicated.
4. Alleys shall not be provided in a residential block. Alleys are required in the rear of all business lots unless other adequate provisions are made for service and deliveries, and shall be at least 20 feet wide. No dead end alley or any sharp changes in their alignment shall be permitted.

5. Courts, cul de sacs, or other street space may be provided if proper access is given to all lots from a dedicated street or court. All permanent cul de sac streets shall terminate in a dedicated street space having a minimum radius of 50 feet, or other satisfactory means for turning of vehicles. Courts and cul de sac streets shall not exceed 700 feet in length and shall be not less than 40 feet in width.

SECTION 28-9 EASEMENTS - Easements of at least six feet in width shall be dedicated on each side of all rear lot lines and, where necessary, along side lot lines, for poles, wires, conduits, storm and sanitary sewers, surface drain or swail, gas, water or other utilities. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement. No sharp changes in alignment of easements shall be permitted.

SECTION 28-10 BLOCKS - No block shall be longer than 1400 feet. The number of intersecting streets along major streets shall be kept to a minimum and, wherever practicable, blocks along such major streets should be not less than 1000 feet in length. Where blocks are over 750 feet in length, a cross walk with a right-of-way of at least 10 feet in width may be required near the center of the block.

SECTION 28-11 LOTS

1. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and to the character of surrounding development.
2. All sidelines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation of this rule will provide a better street and lot layout. Lots with double frontage shall be avoided.
3. No lot shall have a depth of less than 100 feet nor should the depth be in excess of three times the width of the lot. No lot shall an area or width less than that required by an applicable zoning ordinance.
4. Corner lots shall have a width sufficient to permit the establishment of front building lines along both the adjoining streets.
5. Lots at major street intersections and at acute angle intersections of less than 75 degrees shall have a radius of 25 feet at the street corner. On corner lots a chord may be substituted for the circular arc.

SECTION 28-12 MAINTENANCE OF IMPROVEMENTS OUTSIDE CORPORATE LIMITS - Where a subdivision outside the corporate limits contains sewers, sewage treatment plants, water supply systems, park areas, or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit to the lot owners and which the city or county does not desire to, or cannot maintain, provision shall be made by agreements, made a part of the plat restrictions acceptable to the Commission, for the proper and continuous maintenance replacement and supervision of such facilities by the lot owners in the subdivision, or by a public utility established in accordance with Chapter 313 of the Acts of 1957 and Amendments thereto.

SECTION 28-13 PARKS, SCHOOL SITES, ETC. - In subdividing property, due consideration shall be given to the designation of suitable sites for schools, parks, playgrounds and other public areas, so as to conform as nearly as possible to the recommendations of the Commission in its master plan of the city. Such areas should be indicated on the preliminary plan in order that it may be determined when and in what manner they will be acquired by the city or other public agency. The Commission may require such sites to be reserved for a period not less than one nor more than three years.

SECTION 28-14 DEDICATIONS ALONG STREAMS - Whenever any stream or important drainage course is located in any area which is being subdivided, the subdivider shall dedicate and convey an adequate drainage right-of-way as determined by the City Engineer or County Surveyor along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream, and such drainage right-of-way shall be dedicated and conveyed to the city or other appropriate public agency.

SECTION 28-15 (A) EXCEPTIONS IN NEIGHBORHOOD UNIT DEVELOPMENTS - Whenever a subdivision is developed as a modern neighborhood unit, wherein adequate park area is provided and through traffic is adequately cared for and the majority of the minor streets are of the cul-de-sac type, the Commission may vary the requirements of SECTIONS 23-8, 9, 10 and 11 of this ARTICLE in order to allow the subdivider more freedom in the arrangement of the streets and lots but at the same time protect the convenience, health and safety of the future residents of the subdivision, as well as the general welfare of the entire community. In no case, however, shall the lot area per family requirement be less than is required in any applicable zoning ordinance.

SECTION 28-15 (B) COMMERCIAL AND INDUSTRIAL SUBDIVISIONS - If a proposed subdivision includes land zoned for commercial or industrial use, the subdivider shall demonstrate to the satisfaction of the Commission that the street, parcel and block pattern proposed is adapted to the uses anticipated and takes into account all uses in the vicinity. The following standards shall be observed:

1. Industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street right-of-way and pavement for proposed and existing streets shall be adequate to accommodate the type and volume of traffic anticipated to be generated.
3. Special requirements may be imposed with respect to design and construction of proposed existing streets, curbs, gutters and sidewalks.
4. Special requirements may be imposed with respect to the installation of public utilities such as water, sewer, storm drainage, etc.
5. Adjacent residential areas shall be protected from potential nuisance from commercial or industrial uses in the subdivision including additional depth in lots backing up to the residential development and the use of buffer strips, properly landscaped, for shielding purposes.

ARTICLE IV PRELIMINARY PLAT AND IMPROVEMENTS

SECTION 28-16 PROCEDURE - It is recommended that before the preliminary plat is submitted for approval, the developer should present to the Plan Director or the City Engineer a sketch plan on a topographic map, showing the proposed layout of streets, lots, and other features in relation to existing conditions and proposed development. The sketch shall also indicate the proposed utilities and street improvements. The Plan Director or City Engineer may submit the sketch plan and their recommendations to the Plan Commission for approval.

SECTION 28-17 PRELIMINARY PLAT, WHERE FILED, EXCEPTION - Five copies of a preliminary plat shall be submitted to the Plan Director or City Engineer at least 10 days before the regular meeting of the Plan Commission. The preliminary plat shall be at a scale of not more than one inch equals 100 feet. Plats containing four lots or less and not new streets or easements may be exempted from the provisions of this ARTICLE upon application to the Commission.

SECTION 28-18 THE PRELIMINARY PLAT SHALL SHOW

1. The location of the present property lines and section lines, streets, buildings, water courses and other existing features within the area to be subdivided and similar information regarding land immediately adjacent thereto.
2. The proposed location and width of streets, alleys, lots, building lines and easements.
3. The title under which the proposed subdivision is to be recorded and the name of the engineer, and/or the registered land surveyor, and the subdivider platting the tract.
4. Contours referred to sea level datum with intervals of two feet or less shall be required.
5. The north point, scale and date.
6. Site data including total acres, number of lots, typical lot dimensions and area, lineal feet in streets, acres in streets, parks and similar public or semi-public areas.
7. Sketch plans and supporting data setting out the suggested grades or profiles of the streets, the proposed grades and facilities for all required improvements and the subdivider's proposal to the city for accomplishing their installation in accordance with ARTICLE V hereof. Data regarding all existing sanitary and storm sewers, water mains, culverts, and other underground structures within the tract or on streets immediately abutting thereto; as well as the location and size of the nearest water main and sewer outlet shall be submitted in conjunction with the preliminary plat.

SECTION 28-19 APPROVAL OF PRELIMINARY PLAT - If the Commission shall find that the preliminary plat satisfies the requirements of ARTICLE III, and can conform to all other requirements of this Ordinance, it shall approve said plat. One copy of the approved plat, together with a copy of any comments of the Commission, shall be given

to the City Engineer, one shall be retained by the Commission and one-copy findings shall be given to the person offering the proposed plat, together with a certificate of preliminary approval. The other copies of the preliminary plat shall be given to such public officials, agencies or utility companies as may be concerned with any phase of improvement in the subdivision. Said certificate or approval shall include a statement that the approval is valid for a period of two years unless extended by the Plan Commission.

ARTICLE V IMPROVEMENTS AND REQUIREMENTS

SECTION 28-20 AUTHORITY TO PROCEED WITH FINAL PLAT AND WORKING DRAWINGS - Receipt by the subdivider of the copy of the approved preliminary plat shall constitute authority for the subdivider to proceed with final plans and specifications for the installation of the required improvements and preparation of the final plat. Prior to the construction of any of the required improvement the subdivider shall submit final plans and specifications therefore to the Board of Public Works and Safety. If the Board of Public Works and Safety shall find such plans and specifications to be in accordance with applicable policies and standards of the city, it shall authorize construction and certify such authorization to the Commission. When the subdivision is located within the unincorporated area of Delaware County, the board of County Commissioners of Delaware County shall replace the function of the Board of Public Works and Safety.

SECTION 28-21 REQUIREMENTS FOR APPROVAL OF FINAL PLAT – No final plat of any subdivision shall be approved unless:

1. A certificate of the Board of Public Works and Safety has been filed with the Commission that the improvements listed hereinafter have been installed prior to such approval, and proper record drawings of such installations are filed with the City Engineer, or
2. A certificate of the Board of Public Works and Safety has been filed with the Commission that a complete set of plans and specifications for the improvements listed hereinafter has been filed with the Board of Public Works and Safety and that such plans and specifications are in accordance with the applicable policies and standards of the Article and a bond to insure the installation of the improvements as shown by said plans and specifications filed with the Board of Public Works and Safety for the subdivision has been filed which shall:
 - a. Run to the City of Muncie, Indiana, and
 - b. Be in an amount determined by the Board of Public Works and Safety, subject to the approval of the Commission, to be sufficient to complete the improvements and installations in compliance with this Ordinance, and
 - c. Be with surety satisfactory to the Board of Public Works and Safety, subject to approval of the Commission, and
 - d. Specify the time for the completion of said improvements such time not to exceed two years.

Where the subdivision is located beyond the corporate limits, the Board of County Commissioners of Delaware County would exercise the same authority as the Board of Public Works and Safety.

SECTION 28-22 INSTALLATION OF PART OF IMPROVEMENTS – The owner of a tract may prepare and secure approval of a preliminary plat for the entire tract and may install the required improvements in only a portion of such tract, but the improvements in any portion of the area for which a final plat is approved for recording must be installed or provisions made for their installation provided, however, that any water mains, storm sewers, trunk sewers and any sewage treatment plants shall be designed to serve the entire tract to be subdivided.

SECTION 28-23 MONUMENTS AND MARKERS – Monuments shall be of concrete with a diameter of not less than 6” and 36” long, with a copper dowel 3/8” in diameter, at least 2 ½ “ in length embedded so that the top of the dowel shall be not more than ¼” above the surface and at the approximate center of the monument.

Monuments shall be set so that the top is level with the established grade adjoining it and placed so that the marked point on the metal center shall coincide exactly with the intersection of street property lines, (or street center lines) the intersection of all angles in the boundary line and at the beginning and ending of all curves along streets on the inside street lines.

Lot corners not marked by concrete monuments as required above, shall be marked by galvanized or wrought iron pipe, or iron or steel bars at least two feet in length and not less than 5/8” in diameter, the top of the pipe or bar to be set level with the established grade of the ground adjoining it.

Any other types of monuments and markers must be approved by the City Engineer.

SECTION 28-24 STREETS AND ALLEYS, PAVING – Streets and alleys shall be graded, surfaced and improved to dimensions required by this Ordinance or other ordinances of the city. Streets and alleys shall be paved with asphaltic concrete, cement concrete or other approved material, in accordance with the then applicable standards of the Board of Public Works and Safety.

Streets shall be paved to a width of 27 feet back to back between curbs; alleys to a width of 12 feet except that where the subdivision is located beyond the corporate limits and contains lots with an area of not less than 15,000 square feet and a width of not less than 100 feet at the building line, the width of the pavement need not exceed 22 feet and no curb and gutter need be constructed. Where only half of the street is dedicated, the pavement need not exceed 16 feet in width.

Where the subdivision is located beyond the corporate limits, the Board of County commissioners of Delaware County shall exercise the same authority as the Board of Public Works and Safety.

SECTION 28-25 CURB AND GUTTER – Except as indicated in Section 28-24 above, curbs shall be constructed along all streets in accordance with the then applicable standards of the Board of Public Works and Safety.

Where the subdivision is located beyond the corporate limits, the Board of county commissioners of Delaware County shall exercise the same authority as the Board of Public Works and Safety.

SECTION 28-26 SANITARY SEWERS – Wherever it shall be unlawful by city ordinance or state statute to construct or maintain any privy, privy vault, cesspool, septic tank or any receptacle for human excrement on any lot within a subdivision, the subdivider shall provide a sanitary sewer system which connects to an established public sanitary sewer system or provide a separate treatment plant. Said sewer system shall be adequate for the needs of the subdivision.

The Commission may require the subdivider to provide sanitary sewers under this section that are larger than would be necessary to meet the needs of the subdivision, provided that the Board of Public Works and Safety shall enter into such contracts or make such provisions as are provided for by law with the subdivider to compensate him of the cost of requirements in excess of the needs of his subdivision. The Board of Public Works and Safety is further empowered to charge future subdivider's, corporations, or persons as provided for by law for future connections to the facilities required by this section in a proportionate amount of the extra cost of the facility, based upon the area then being subdivided or developed. Where the subdivision is located beyond the corporate limits, the Board of County Commissioners of Delaware County shall exercise the same authority as the Board of Public Works and Safety.

Wherever it is not unlawful by city ordinance or state statute to construct or maintain any privy, privy vault, cesspool, septic tank or other method of treatment of human excrement, the Commission may, in its discretion, allow the subdivider to provide a disposal system comprised of septic tanks with absorption systems in lieu of sanitary sewer system connected to the city sanitary sewer system.

Any system of septic tanks with absorption fields within the jurisdiction area of the Commission and outside the corporate area of the city shall conform to the Sanitation Ordinance of Delaware County, Indiana, Ordinance No. S-1 passed on the 28th day of January 1957. The subdivider shall provide the Commission with a statement from the Delaware County Sanitarian stating that, based on percolation tests, the proposed septic tank system can and will conform to the said sanitation ordinance. Any proposed subdivision not accompanied by such a statement shall not be approved by the Commission.

In addition, the Commission may require the subdivider to provide a sanitary sewer system which connects to a private disposal plant or to the city sanitary sewer system

rather than the septic tank system. The subdivider shall furnish the Commission with percolation tests and any other data the Commission may require in this respect.

All systems described in this section shall be subject to the approval of the Board of Public Works and Safety, and meet the minimum requirements of the Indiana State Board of Health.

SECTION 28-27 STORM SEWERS

- a. The subdivider shall provide a storm water sewer system adequate for the present needs of the subdivision. As a minimum, such systems shall be adequate for the most intense rainfall expected in a two-year period, and adequacy shall be computed according to the Rational Formula Method. Whenever a drainage channel is located within the subdivision the developer shall clear and so improve the channel that it will accommodate the future storm water flow of the drainage area. Approval of engineering specifications and drawings shall rest with the Commission upon recommendation by the City Engineer.
- b. The Commission may require the subdivider to provide storm water sewers under the provision of this section that are larger than would be necessary to meet the present needs of the subdivision, provided, that the Board of Public Works and Safety shall enter into such contracts or make such provisions as are provided for by law and with the subdivider to compensate him for the cost of requirements in excess of the present needs of his subdivision. The Board of Public Works and Safety is further empowered to charge future subdivider's, corporations, or persons as provided by law for future connections to the facilities required by this section in a proportionate amount of the extra cost of the facility, based upon the area then being subdivided or developed. Where the subdivision is located beyond the corporate limits, the Board of County Commissioners of Delaware County shall exercise the same authority as the Board of Public Works and Safety.

SECTION 28-28 WATER – The subdivider shall provide the subdivision with a complete water supply system, which shall be connected with and become part of a public water supply system. Provided that the Commission may, in its discretion, permit a private water supply for each lot to be installed in accordance with the minimum requirements of the State Board of Health, where such subdivision is located more than 200 feet from a public water supply system.

SECTION 28-29 STREET SIGNS – The subdivider shall provide the subdivision with standard city street signs at the intersections of all streets. The number and location of such signs shall be subject to the approval of the City Engineer.

SECTION 28-30 SIDEWALKS – Sidewalks, not less than 4 feet in width shall be provided:

- a. Whenever a subdivision shall encompass or abut a major or secondary street, the subdivider shall provide sidewalks on whichever side of such street abuts the subdivision and both sides of such street falling within the subdivision.
- b. Whenever a subdivision or any part thereof is within 900 feet of an existing or planned school site, the subdivider shall provide sidewalks on one side of the street within the subdivision for 900 feet immediately adjacent to the school site.

Sidewalks shall be constructed in accordance with the then applicable standards of the Board of Public Works and Safety.

Where the subdivision is located beyond the corporate limits, the County Commissioners shall exercise the same authority as the Board of Public Works and Safety.

SECTION 28-31 ANNEXATION – Whenever the area of the proposed subdivision is contiguous to the corporate limits of the city, the Commission may require, as a condition of approval of the subdivision that an application for annexation of the subdivision shall be filed with the City Council.

ARTICLE VI FINAL PLAT

SECTION 28-32 FINAL PLAT – The final plat on tracing cloth or mylar and five prints thereof together with copies of any deed restrictions where such restrictions are too lengthy to be shown on the plat, shall be submitted to the City Plan Director or City Engineer, not less than 10 days before the regular meeting of the Plan Commission. The final plat shall be drawn to a scale of not more than 100 feet to the inch from an accurate survey and on one or more sheets whose dimensions shall be 17 inches by 21 inches. If more than two sheets are required, an index sheet of the same dimensions shall be filed showing entire subdivision on one sheet and the component areas shown on other sheets.

When the final plat conforms to the approved preliminary plat and the requirements of ARTICLE IV and V have been accomplished, the commission shall hold a hearing thereon. Thereafter, if the Commission approves the plat, certification thereof shall be endorsed on the final plat by the Chairman and Secretary of the Commission.

SECTION 28-33 INFORMATION REQUIRED - The final plat and accompanying documents shall show:

1. The boundary lines of the area being subdivided with accurate distances and angles. The correct legal description of the property being subdivided shall be shown on the plat, or on an accompanying certificate.
2. The lines of all proposed streets and alleys with their widths and the names of all streets.
3. The accurate outline of any portions of the property intended to be dedicated or granted for public use.
4. The line of departure of one street from another.

5. The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and the names of all streets.
6. All lot lines together with an identification of all lots.
7. Minimum building lines shall be shown on the plat, when in excess of the yard requirements of the zoning regulations.
8. The location of all easements provided for public use, services or utilities.
9. All dimensions, linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100th of a foot.
10. The radii, arcs or chords, points of tangency and center angles for all curvilinear streets and radii for rounded corners.
11. The location of all survey monuments and their descriptions.
12. The name of the subdivision and the scale of the plat, (both graphic and written) the points of the compass, the name of the owner or owners or subdivider's.
13. The certificate of a registered Engineer or Land Surveyor attesting the accuracy of the survey and the correct location of all monuments shown.
14. Owners declaration of ownership and dedication for public use of streets, alleys, drainages and other easements, parks or other open spaces as well as all private restrictions and trusteeships and their periods of existence.
15. Calculations showing the error of linear closure shall in no case be greater than one in 10,000 and there shall be no error in the angular closure.
16. A receipt or certificate showing that there are no unpaid taxes or assessments upon any part of the area within the subdivision.

SECTION 28-34 APPROVED PLAT FILED WITH RECORDER OF DEEDS – After the approval of the final plat by the Commission, said plat shall be recorded in the office of the County Auditor and Recorder within six months and if not so filed such plat shall have not validity and shall not be recorded without re-approval.

ARTICLE VII FEES

SECTION 28-35 FEES PAID BY SUBDIVIDER – DELETED

SECTION 28-36 – DELETED

ARTICLE VIII EXCEPTIONS AND VARIATIONS

SECTION 28-37 MODIFICATION OF REQUIREMENTS – Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this Ordinance would result in real difficulties or substantial hardship or injustice, the Commission may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner, but so that at the same time the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of this Ordinance preserved.

ARTICLE IX CONFORMITY TO MASTER PLAN

SECTION 28-38 IMPROVEMENT LOCATION PERMIT – A structure shall not be located and an Improvement Location Permit shall not be issued for a structure on lands within the city of Muncie or the jurisdictional territory of the Commission unless the structure and its location conform to the Master Plan and this Ordinance. Any street or easement within a subdivision that has not been approved as required herein shall not be accepted by the Board of Public Works and Safety, nor shall any funds be expended by such agency for the improvement or maintenance of such streets or easements.

ARTICLE X CHANGES AND AMENDMENTS

SECTION 28-39 CHANGES AND AMENDMENTS – Any regulations or provisions of this Ordinance may be changed and amended from time to time by the Common Council; provided, however, that such changes or amendments shall not become effective until after study and report by the Plan Commission and until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation at least 15 days prior to such hearing.

ARTICLE XI REPEAL OF EXISTING ORDINANCE

SECTION 28-40 REPEAL OF EXISTING ORDINANCE – The present Subdivision Ordinance, Ordinance 1119-1951 and all amendments thereto are hereby repealed.

ARTICLE XII ADOPTION

SECTION 28-41 ADOPTION – This Ordinance shall be in full force and effect and after its passage by the Common Council and the approval of the Mayor thereto.

Passed by the Common Council this _____ day of _____, 19____.

Presiding Officer

Presented by me to the Mayor for his approval and signature this _____ day of _____, 19____.

City Clerk

Approved and signed by me this _____ day of _____, 19____.

Mayor of City of Muncie, Indiana

Attest:

City Clerk

Presented to us in _____ session this _____ day of _____, 19____ and by us _____ approved this _____ day of _____, 19____.

Stanley Landfair, President of Plan Commission

Marta Moody, Secretary of Plan Commission