

SUBDIVISION CONTROL ORDINANCE

CHAPTER I PURPOSE AND ADMINISTRATION

Section 1 GENERAL

This Ordinance is enacted for the purpose of adopting subdivision regulations to control and regulate the division of land for any purpose whatsoever within the jurisdiction of the Town of Chandler. The Town of Chandler shall have all the powers and duties with respect to primary and secondary plan approvals and subdivisions, and the procedures relating thereto which are specified by law and by this Ordinance. In their interpretation and application, the provisions of this Ordinance shall be held to be the requirements adopted for the protection of the public health, safety and welfare, by providing for the harmonious development of Chandler, for the coordination of streets within subdivisions with other existing or planned streets or with other features, for adequate open spaces for traffic, schools, recreation and air, for adequate storm water drainage and sewage disposal, for the efficient and economical maintenance of streets, and for the development for public use of public grounds.

Section 2 ADMINISTRATION

(1) JURISDICTION

This Ordinance shall apply to all subdivisions of land within the corporate limits of the Town of Chandler

(2) AUTHORITY

Be it ordained by the Town Council of Chandler under authority of Title 36, Article 7, Chapter 4, Section 700, et seq. Of the Indiana Code, as amended, General Assembly of the State of Indiana, that:

- (a) No plat or replat of a subdivision of land as defined herein located within the corporate limits of the Town of Chandler shall be recorded until it shall have the approval of the Plan Commission, and such approval shall be entered upon the plat. The Plat shall be accompanied by a certificate bearing the seal of the Town, signed by the president of the Plan Commission, and attested to by the secretary of the Plan Commission disclosing that proper public notice of the hearing has been given and that a majority of the members of the Plan Commission concur in its approval.
- (b) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Plan Commission, in accordance with the provisions of these regulations.

CHAPTER II DEFINITIONS

Section 1 GENERAL

For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; the singular number includes the plural and the plural the singular. The word “shall” is mandatory and the word “may” is permissive.

Section 2 TERMS DEFINED

(1) **ABUTTING PROPERTY OWNERS**

Record title owners, whose property is contiguous to the subject property, including any property that would touch at any point the subject property, ignoring all rights of way, easements, and alleys. For the purpose of notifying abutting property owners, if only a portion of a parcel of real estate is being considered at the public hearing, and with the remaining portion owned by the same property owner, then the abutting property owner to the entire parcel shall be notified, except that when the abutting property owner’s real estate is 1000 feet or more distant from the part of the real estate being considered, no notification shall be required.

(2) **ACT**

Title 36, Article 7, Chapter 4, Section 700, et seq. Of the Indiana Code, as added by Acts of 1981, P.L. 309, Section 23, and amended by Acts of 1982, P.L. 211, Section 4 and all future acts amendatory thereto.

(3) **ALLEY**

A strip of land dedicated to public use and providing a permanent secondary means of access to abutting property at the rear or sides thereof.

(4) **BENCH MARK**

A monument for which an accurate elevation has been established and recorded on the plat.

(5) **BOND (OR PERFORMANCE BOND)**

A legally binding instrument from a duly chartered financial institution or insurance company providing surety satisfactory to the Town that all improvements and installations required as a condition of primary plat approval will be constructed in accordance with the standards of this Ordinance.

(6) **BUILDING SETBACK LINE**

The line indicating the minimum horizontal distance between the right-of-way of any street, and the foundation of any buildings, except designated projections as set forth in Chapter 20, Section 4 of the Comprehensive Zoning Ordinance in effect for the Town of Chandler.

- (7) COMMISSION
The Municipal Plan Commission for the Town of Chandler.
- (8) COUNTY
Warrick County, Indiana.
- (9) CUL-DE-SAC
Local street with only one (1) outlet having an appropriate terminal for the safe and convenient reversal of traffic movement.
- (10) DESIGN MANUAL
Public Works Design Standards Manual adopted by the Town of Chandler in April 1999.
- (11) EASEMENT
Authorization or grant by a property owner to specific persons or to the public to use land for specific purposes.
- (12) EXECUTIVE DIRECTOR
The duly appointed head of staff of the Municipal Plan Commission of the Town of Chandler.
- (13) "FIRM"
Federal Insurance Rate Map as prepared by Federal Emergency Management Agency (FEMA) for the Town of Chandler.
- (14) FLOOD HAZARD AREA
100-year flood contour line from FIRM and FEMA maps for the Town of Chandler.
- (15) IMPROVEMENTS-BASIC
The installation of sanitary sewers and water supply lines.
- (16) IMPROVEMENTS-STREET
The installation of streets, street signs, storm sewers, curbs, gutters and sidewalks when required by the Area Plan Commission.
- (17) LEGAL DRAIN
An open or tiled ditch or combination of the two which are subject to the jurisdiction and control of the Town of Chandler.
- (18) LOT
The tract within a subdivision marked by the subdivider as a numbered, lettered or other identified tract to be offered as a unit of land for transfer of ownership or for development which is an identifiable parcel of land having frontage on a public street or right of way.

- (19) **LOT, CORNER**
A lot located at the intersection of two or more streets.
- (20) **LOT, DOUBLE FRONTAGE**
A lot other than a corner lot with frontage on more than one street or through lots abutting two (2) streets.
- (21) **LOT, REVERSED CORNER**
A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.
- (22) **MAINTENANCE, ACCEPTANCE OF**
Official recognition by the Town of Chandler that streets in a subdivision have been constructed in accordance with the requirements of this Ordinance and approved construction plans for a specific subdivision and acceptance by the Town of Chandler of responsibility for ongoing maintenance of the streets.
- (23) **MASTER DEVELOPMENT PLAN**
The complete development plan, or any of its parts, for the development of Town of Chandler prepared by the Town of Chandler and adopted in accordance with Chapter 138, Acts of 1957, General Assembly of Indiana, and all amendments thereof and supplement thereto as is now or may hereafter be in effect.
- (24) **OFFICIAL THOROUGHFARE PLAN**
That part of the Master Development Plan for the Town of Chandler, now or hereafter adopted, which includes a major street and highway plan and sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, alleys, highways, and other thoroughfares.
- (25) **ORDINANCE**
This Ordinance and all subsequent additions or amendments thereto.
- (26) **OWNER**
The individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.
- (27) **PERSON**
A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

- (28) **PLAT OR PRIMARY PLAT**
A map or drawing prepared in accordance with the requirements of this Ordinance upon which the subdivider's plan of the subdivision is presented and which he submits for approval of the Town of Chandler and intends to record in the final form.
- (29) **PLAT RELEASE**
The release of a final plat for the purpose of recordation effected by the execution of the plat by the Clerk of the Town of Chandler subsequent to the Town granting secondary approval of the plat.
- (30) **PRIMARY APPROVAL**
An approval (or approval with conditions imposed) granted to a subdivision by the Town of Chandler after having determined in a public hearing that the subdivision complies with this Ordinance.
- (31) **PROOF OF FINANCIAL RESPONSIBILITY**
Any form of security, other than a bond, including a cash deposit, collateral stock, or instrument of credit or combination thereof, in an amount and form satisfactory to the Town of Chandler providing surety that all improvements and installations required as a condition of primary plat approval will be constructed in accordance with the standards of this Ordinance.
- (32) **RECORDER**
The County Recorder of Warrick County, Indiana
- (33) **REPLAT**
A change in a recorded subdivision plat if such change affects any street layout on such plat, or area reserved therein for public use, or any lot line, except as otherwise exempted in this Ordinance.
- (34) **RIGHT OF WAY**
A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.
- (35) **SECONDARY APPROVAL**
The stage of application for formal Town approval of a final plat of a subdivision the construction of which has been completed or guaranteed in accordance with the provisions of this Ordinance which, if approved and signed by the designated officials may be submitted to the County Recorder for filing.
- (36) **SECONDARY OR FINAL PLAT**
The map, drawing, or plan described in this Ordinance of a subdivision and any accompanying material submitted to the Town for secondary approval, and which, if

approved and signed by the designated officials, may be submitted to the County Recorder for filing.

(37) STATE BOARD OF HEALTH
Indiana State Board of Health

(38) STREET

A public right-of-way, intended for vehicular traffic, including expressways, parkways, primary thoroughfares, collector streets, local streets, cul-de-sacs, marginal access streets, avenues, boulevards, roads, lanes, ways, courts and other public ways, with the exception of alleys and as now or hereafter or otherwise designated.

- (a) Arterials or Expressways – Major streets and highways used primarily for through traffic, mixed traffic or fast or heavy traffic, generally including U.S. and/or State routes.
- (b) Primary Thoroughfares – Streets designed, planned and intended for through vehicular traffic in conformance with partial control of access.
- (c) Secondary Thoroughfares – Streets designed, planned and intended to serve as collectors and distributors of through vehicular traffic, with partial control of access.
- (d) Residential Collector Streets – Streets designed, planned and intended to carry intermediate volumes of traffic within residential areas and from the minor streets to the arterial, primary and secondary streets.
- (e) Minor Streets – Streets which carry low volumes of traffic and are used primarily to provide access to the abutting properties.
- (f) Marginal Access or Service Streets – Minor streets parallel with and adjacent to arterial, primary and secondary streets which provide access to abutting properties and protection from rapid through traffic.
- (g) Cul-de-sacs – Short Streets having one end open to traffic, the other end being permanently terminated by a vehicle turn around.
- (h) Rural Road – Any county road five miles or more from any incorporated city or town boundary or any existing county right-of-way open for public use.

Prior to the filing of a subdivision for primary plat where rural rock roads are requested a written request to permit rural rock roads must be submitted to the Town of Chandler at least two weeks prior to any Town Council meeting. The request must explain in detail the reasons and facts supporting the request setting forth location, number of lots proposed, approximate acreage of lots, sketch of proposed subdivision. Justification for rural roads may include

unusual conditions of the plat such as, but not limited to, unusual topographical conditions or other exceptional conditions peculiar to the site which would result in extra ordinary hardship or deny the reasonable use and value of said land.

(39) **SUBDIVIDER**

Person or persons who own all or any part of the real estate included within the plat at the time of the final approval of said plat.

(40) **SUBDIVISION OF LAND AND SUBDIVIDE**

The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats or interest, whether for residential or non-residential use, for the purpose of offer, sale, lease or development.

The term subdivision includes re-subdivision and, when appropriate to the context, includes the process of subdividing and the land subdivided.

(41) **ZONING ORDINANCE**

An Ordinance and Zone Map now or hereafter adopted which divides the jurisdiction of the Town of Chandler into districts, with regulations and requirements and procedures for the establishment of land use controls.