

**SUBDIVISION ORDINANCE
NO. 498
CEDAR LAKE, INDIANA**

**Adopted: December 13, 1989
Amended: December, 1990
Amended: May, 1996
Amended: November, 2003
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PROPOSED
TOWN OF CEDAR LAKE, LAKE COUNTY,
INDIANA SUBDIVISION CONTROL ORDINANCE
NO. 498

AN ORDINANCE ESTABLISHING REGULATIONS AND PROVISIONS FOR SUBDIVISION CONTROL FOR THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, REPEALING ORDINANCE NO. 280, BEING: "AN ORDINANCE REGULATING THE SUBDIVISION OF LAND FOR THE PURPOSE OF SALE OR BUILDING DEVELOPMENT; STANDARDS; PRESCRIBING PROCEDURES FOR THE PRESENTATION, APPROVAL AND RECORDING OF PLATS; SETTING FEES; PRESCRIBING PENALTIES FOR VIOLATIONS; AND DECLARING AN EMERGENCY EXISTS", PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF, PRESCRIBING PENALTIES FOR VIOLATIONS, AND DECLARING THAT AN EMERGENCY EXIST.

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

SUBDIVISION CONTROL ORDINANCE

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND; DEFINING TERMS; PROVIDING REGULATIONS, REQUIREMENTS AND DESIGN STANDARDS; ESTABLISHING PROCEDURES FOR THE PRESENTATION, APPROVAL AND RECORDING OF THE PLATS, ESTABLISHING FEES; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

NOW BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, pursuant to Indiana Code 36-7-4-700 (Sec. 700-799, as amended from time to time:

TITLE 1 – GENERAL PROVISIONS

SECTION 1: Purpose

The regulations, standards and requirements as herein set forth are made in accordance with the Town's Comprehensive Master Plan in order that adequate light, air, convenience of access, and safety from fire, flood and other damages may be secured; that congestion in the public streets may be lessened or avoided; and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted. They are made with reasonable regard to existing conditions and requirements necessary to promote orderly growth and development in the Town of Cedar Lake.

This subdivision Control Ordinance is adopted in accordance with the Town Comprehensive Master Plan for the following purposes:

- A. To assist, approve and regulate the orderly and efficient development of the Town.
- B. To promote the health, safety, morals, convenience, order and general welfare of the residents of the Town.
- C. To insure equitable processing and review of all subdivision plans by establishing and maintaining uniform procedures and standards.

SECTION 2: Title

This Ordinance shall be known and may be cited as "THE SUBDIVISION CONTROL ORDINANCE OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA".

SECTION 3: Interpretation

1. In their interpretation and application, the provisions of this Subdivision Control Ordinance, as amended from time to time, shall be held to be the minimum requirements for the promotion of the health, safety, morals, comfort, prosperity, or general welfare.
2. Where the regulations, standards and restrictions imposed by any provision of this Subdivision Control Ordinance, as amended from time to time, are either more restrictive or less restrictive than comparable regulations, standards, and restrictions imposed by any other provision of this Subdivision Control Ordinance, or of any other Law, Ordinance, Resolution, rule or regulation, of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

3. No Subdivision or development which was not lawfully platted or existing at the time of the adoption of this Subdivision Control Ordinance shall become or be made lawful solely by reason of the adoption of this Subdivision Control Ordinance; and to the extent that, and in any manner, that said unlawful Subdivision or Development is in conflict with the requirements of this Subdivision Control Ordinance, said Subdivision or Development remains unlawful hereunder.
4. Nothing contained in this Subdivision Control Ordinance, as amended from time to time, shall be deemed to be a consent, license, or permit to use any property or to locate, construct or maintain any building, structure, facility, or Subdivision/Development to carry on any trade, industry, occupation or activity without compliance with the terms hereunder.
5. The provisions in this Subdivision Control Ordinance, as amended from time to time, are cumulative and additional limitations upon all other Laws and Ordinances heretofore passed or which may be passed hereafter, governing any subject matter in this Subdivision Control Ordinance.

SECTION 4: Severability Clause.

Should any section, subsection, paragraph, subparagraph, clause, word or provision of this Subdivision Control Ordinance, as amended from time to time, be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Subdivision Control Ordinance, as amended from time to time, as a whole or any part thereof, other than that part so declared to be unconstitutional or invalid.

SECTION 5: Scope of Regulations.

1. All Subdivisions or parcels of real property developed hereafter, shall be subject to all regulations, standards and restrictions, of this Subdivision Control Ordinance, as amended from time to time, which are applicable.
2. Where a Subdivision or parcel of real property has been platted or approved for platting and recording of mylar in accordance with law prior to the effective date of this Subdivision Control Ordinance, and provided that construction is begun within six (6) months of the effective date and diligently prosecuted to completion, said Subdivision or Development may be completed in accordance with the approved plans on the basis of which the approval had been granted.

SECTION 6: Compliance.

No lot, or any interest therein, in a subdivision shall be sold, nor any permit issued, to erect, alter or repair any building upon land in a Subdivision, unless, and until a Subdivision plan has received final approval, and been recorded, and until the improvements required by the Plan Commission in connection therewith have either been constructed or guaranteed, as herein provided.

Furthermore, prior to issuance of building permits, there shall be a minimum road access standard to provide accessibility for emergency vehicles and installation of backed curbs and temporary bench marks to provide data reference for foundation grades. Minimum access surfaces shall consist of at least eight inches (8") of compacted aggregate base material, and at least two inches (2") of binder course, curb to curb with all associated utilities (storm, sanitary sewer, water, and the like) in place. Construction bench marks shall be located within a six hundred foot (600') radius on all lots.

SECTION 7: Conflict.

Whenever there is a difference between minimum standards of dimensions specified herein and those contained in other Regulations, Resolutions or Ordinances of the Town, County or State, the highest standards shall govern.

SECTION 8: Jurisdictional Area.

This Subdivision Control Ordinance, as amended from time to time, shall apply to all incorporated land within the Town of Cedar Lake, Lake County, Indiana, on the Jurisdictional Area Map on file with the County Recorder, Lake County, Indiana.

SECTION 9: Unsuitable Land Area.

No land shall be subdivided for residential use if such land is considered by the Plan Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth or rock formations, topography or any other feature harmful to the health, safety and general welfare and well-being of residents of the Town in general and in particular, the residents of the area affected.

TITLE II – DEFINITIONS

SECTION 1: Application and Interpretation.

1. For the purpose of these regulations, standards and restrictions, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted and defined as set forth in this TITLE.
2. All general provisions, terms, phrases and expressions contained in this Subdivision Control Ordinance, as amended from time to time, shall be liberally construed in order that the true intent and meaning may be fully carried out.
3. In the construction of this Subdivision Control Ordinance, as amended from time to time, the rules and definitions set out in this TITLE shall be observed, unless such construction would be inconsistent with the manifest intent of the Subdivision Control Ordinance. The rules of construction and definitions set out herein shall not be applied to any TITLE or Section of this Subdivision Control Ordinance, as amended from time to time, which shall contain any express provisions excluding such construction, or where the subject matter or context of such TITLE or Section may be repugnant thereto.
4. Whenever any words and phrases used herein are not defined herein, but are defined in the State of Indiana Statutory provisions regulating the creation and function of various planning agencies, any such definition shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.
5. In the interpretation and application of any provisions, rules and definitions of this Subdivision Control Ordinance, as amended from time to time, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Subdivision Control Ordinance, as amended from time to time, imposes greater restrictions, standards or regulations upon the subject matter than another more general provision imposed by the Subdivision Control Ordinance, the provision imposing the greater restriction, standard or regulation shall be deemed to be controlling.
6. For the purpose of these restrictions, standards or regulations, certain words and phrases used herein shall be interpreted as follows:
 - A. The word "person" includes an individual, firm association, organization, partnership, trust, company, corporation or any other legal entity.
 - B. The masculine includes the feminine.
 - C. The present tense includes the past and future tense, and the singular number includes the plural.

- D. The word or term "shall" is a mandatory requirement.
- E. The word "may" is a permissive requirement.
- F. The word and term "should" is a preferred requirement.
- G. The words "used" or "occupied" shall be construed to include the words "intended, arranged, or designed to be used or occupied".
- H. The word "lot" includes the words "plot", "parcel", and "tract".

SECTION 2: Terms.

For the purpose of this Subdivision Control Ordinance, as amended from time to time, the following terms shall have the meaning indicated, unless otherwise specifically stated. If a term is not listed in the definitions herein, the definition for that term found in the Town of Cedar Lake Zoning Ordinance, as amended from time to time, or the Town of Cedar Lake Storm Drainage Control Ordinance, as amended from time to time, will apply.

SECTION 3: Definitions.

ALLEY: A permanent public service right-of-way providing secondary means of access to abutting lands.

BLOCK: A block is a tract of land bounded by:

- A. Streets;
- B. Public Parks;
- C. Railroad rights-of-way, when located at or above ground level, but not including siding or spurs in the same ownership as the zoning lot;
- D. Waterways, Shorelines, Unsubdivided areas, or other definite boundaries;
- E. Corporate boundary lines of the Town of Cedar Lake.

BOARD OF ZONING APPEALS: The Board of Zoning Appeals of the Town of Cedar Lake, Lake County, Indiana.

BUILDING: A structure designed or intended for shelter, support or enclosure of persons, animals, chattels or property of any kinds, and which is permanently affixed to the land.

BUILDING LINE: A line parallel to the right-of-way line at a distance there from equal to the depth of the front yard required for the zoning district in which the lot is located. (Also, see **Building Setback Line** in this section.)

BUILDING, LOWEST ELEVATION OF ENTRANCE: The lowest elevation of access to the structure that will admit flowing water, by illustration and limitation, the following are examples: door threshold, window sills, garage floor at entrance, walk-out basement door entrance thresholds, window sills in basement windows.

BUILDING SET-BACK LINE: A line extending across a lot establishing the minimum open space to be provided between the line of buildings and the lot line, and beyond which a building shall not extend unless varied according to procedures established by Ordinance. This line is also called a "**Building Line**".

CHANNEL: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street line.

COMMISSION OR PLAN COMMISSION: The Cedar Lake Plan Commission, Cedar Lake, Indiana.

COMMON OPEN SPACE: An area within any development designed and intended for the use or enjoyment of all residents of the development, or for the use and enjoyment of the public in general.

COMPREHENSIVE PLAN: A development plan, or any portion thereof, recommended by the Plan Commission, and adopted by the Town Council of the Town of Cedar Lake, Lake County, Indiana.

CONSTRUCTION: The placing of construction materials, including landfill, in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed construction.

CONTIGUOUS: Abutting adjoining properties.

COUNTY: Lake County, Indiana.

CROSS WALK: A public right-of-way which crosses a block to furnish access for pedestrians to adjacent streets or properties.

CUL-DE-SAC: (See **Street, Cul-de-sac**, in this section.)

CURB CUT: Lowering the grade level to allow motorized vehicular ingress to and egress from property.

CURB LINE: A line located on either edge of the roadway, but within the right-of-way line.

DEVELOPMENT DENSITY: A unit of measurement; number of dwelling units per acre.

- A. Low – less than 2 dwellings per acre.
- B. Medium – 2.0 to 6.0 dwellings per acre.
- C. High – More than 6.0 dwellings per acre.

DEVELOPMENT: The construction of new buildings or other structures on zoning lots, the relocation of existing buildings on another zoning lot, or the use of open land for a new use.

DRAIN, MUTUAL: A drain that:

- A. Is located on two (2) or more tracts of land that are under different ownership;
- B. Was established by the mutual consent of all the owners;
- C. Was not established under or made subject to any Drainage Statute or Ordinance.

DWELLING: A building or portion thereof designed or used exclusively for residential purposes, including single-family, two-family, and multiple-family dwellings, but not including mobile home, or other trailers or lodging rooms in hotels, motels or lodging houses.

EASEMENT: A right for one person or persons to use the land owned by another person for a special purpose by grant or necessary implication.

ENGINEER: The person duly appointed and designated as the Engineer of the Town of Cedar Lake, Lake County, Indiana.

ENGINEER, CERTIFIED: A person or firm duly designated and licensed as a certified professional to engage in engineering services under the rules and regulations, laws, or authorities of the State of Indiana or any other recognized regulatory authority.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission, or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection herewith, but not including buildings which are necessary for the furnishing of adequate services by such utilities or municipal departments for the general health, safety or welfare.

EXCAVATION: Any breaking of ground, except common household gardening and ground care.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland water.

FLOODWAY: The channel of a river or stream in those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the flood water or flood flow of any river or stream, and as defined by the Federal Emergency Management Agency (FEMA).

FLOODWAY FRINGE: That portion of a flood hazard area outside the limits of the floodway, so designed by the Federal Insurance Administration and as designated by the Federal Emergency Management Agency (FEMA).

FLOOD PLAIN: Land subject in inundation by the maximum flood of reasonable regional expectancy, (One Hundred Year Flood), as determined by the Department of Natural Resources, Division of Water of the State of Indiana, or any and all other applicable State and Federal Regulatory Agencies, as defined by the Federal Emergency Management Agency (FEMA).

FRONTAGE: The contact abutting property with a street which affords unobstructed access to the property.

GRADE: The average level of finished surface of the ground adjacent to the exterior walls of a building.

GREEN STRIP: A solid planting strip, composed of grass and evergreen shrubs.

HALF STREET: One side of a street divided longitudinally by a property line.

HEALTH BOARD: The Indiana State Board of Health.

IMPROVEMENTS: Street grading, street surfacing and paving, curb and gutter, sidewalks, crosswalks, water mains and lines, sanitary sewers, drainage facilities, culverts, bridges, utilities, etc.

INSPECTOR: A duly designated representative of the Town Council or the Plan Commission assigned to make any or all necessary inspections of the work performed and the material furnished by a developer in any development in the Town of Cedar Lake.

LOT: A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development. In determining the size of a lot, no part of a street right-of-way or cross walk may be included. Such lot shall have frontage on an improved public street, or on an improved private street, and may consist of a single lot of record or a portion of a lot of record.

LOT AREA: The total horizontal area within the lot lines of the lot.

LOT, BUILDING: That part of a lot which is suitable for building purposes or for use as a yard area. The area of the building lot must meet the minimum lot size requirements listed for each Zoning District or Zoning Use before a Building Permit may be issued.

LOT, CORNER: A lot at the junction of two (2) or more streets.

LOT DEPTH: The distance between the front and rear lot lines measured along the median between the side lot lines.

LOT, DOUBLE FRONTAGE: A lot, the generally opposite ends of which both abut on streets. Also referred to as a "Through Lots".

LOT FRONTAGE: The front of a lot shall be that boundary of a lot along a public street; for a corner lot, the Plan Commission may elect either street as the front lot line.

LOT, INTERIOR: A lot other than a corner lot or a double frontage through street.

LOT LINE, FRONT: The boundary of a lot which abuts a street. On a corner lot, the lot line having the shortest length abutting a street line shall be the front lot line, unless otherwise determined by the appropriate authority of the Town.

LOT LINE, REAR: The lot line that is opposite the front lot line and farthest from it, except that in the case of an irregularly shaped lot, it means the lot line ten feet (10') long, parallel to the front lot line, and wholly within the lot, that is farthest from the front lot line.

LOT WIDTH: The mean horizontal distance between the side lot lines as measured on the building line.

LOT, ZONING: A tract of land located within a single block, which at the time of filing for a Zoning Permit, or if no Zoning Permit is required, at the time of filing for a Certificate of Occupancy, is designated by its owner or developer as a tract, all of which is to be used, developed, or built upon as a unit.

LOT OF RECORD: An area of land designated and dimensioned as a lot on a plat of subdivision registered or recorded in the Office of the County Recorder of Lake County, and which actually exists as so shown.

MASTER PLAN: The Comprehensive Land Use Plan, including graphic and written proposals, indicating the general location for streets, parks, schools, public buildings, and all physical development of the Town of Cedar Lake, Lake County, Indiana, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be recommended by the Plan Commission and/or adopted by the Town Council.

MUNICIPALITY: The Town of Cedar Lake, Lake County, Indiana.

PARKWAY: (See **Planting Strip** in this section.)

PERFORMANCE BOND, SURETY BOND: An agreement by a subdivider or developer of the Town for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to the plans and specifications, within the time prescribed by the agreement.

PERMIT, ZONING: Written authorization allowing construction or use of a parcel of property in conformance with the provisions of the Cedar Lake Zoning

Ordinance, as amended from time to time, and all other Ordinances of the Town of Cedar Lake.

PERSON: Any individual, corporation, firm, partnership, association, organization, or any other group which acts as a unit.

PLANNED DEVELOPMENT: A parcel or tract of land, initially under single ownership or control, which contains two (2) or more principal buildings, and one (1) or more principal uses, planned and constructed as a unified development, and where certain regulations of the Cedar Lake Zoning Ordinance, as amended from time to time, for the Zoning District where it is located, are modified with approval.

PLANNED UNIT DEVELOPMENT: The development of an area of land as a single entity for a number of uses, according to a plan which does not correspond in lot size, bulk or type of building, density, lot coverage, or required open space to the regulations otherwise required by the Cedar Lake Zoning Ordinance, as amended from time to time.

PLANTING STRIP: (Parkway) A strip of land between the roadway and the sidewalk or sidewalk site.

PLAT: A map or chart indicating the division of land, subdivision of land, or resubdivision of land, intended to be filed for recording with the Recorder of Lake County, Indiana.

PROPERTY LINE: The line between any lot and contiguous lots.

PUBLIC UTILITY: A person, firm or corporation, municipal department, board or commission duly authorized to furnish, and furnishing under federal, state or municipal regulations to the public, gas, steam, electricity, sewage disposal, communication, transportation, or water.

RIGHT-OF-WAY: An easement in the land of property owners, obtained by lawful means, for public use, such as a public street.

RIGHT-OF-WAY LINE: The dividing line between a lot and a public street, legally open or officially platted by the Town, County or State or over which the owners or tenants of the two (2) lots held in a single or separate ownership have the right-of-way.

ROAD FRONTAGE: A local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas and for control of access.

SETBACK: The distance, as measured from the foundation of a structure, required to obtain the minimum front, side or rear yard open space provisions of the Cedar Lake Zoning Ordinance, as amended from time to time.

SETBACK LINE: A line established by the Cedar Lake Zoning Ordinance, as amended from time to time, generally parallel with and measured from the lot line (property line) defining the limits of a yard in which no buildings, other than accessory buildings, or structures, may be located above ground, except as may be provided in the Cedar Lake Zoning Ordinance, as amended from time to time.

SIDEWALKS: The portion of a street or crosswalk intended for pedestrian use only.

STREET: A public way for purposes of vehicular traffic, including the entire area within a right-of-way. A right-of-way which affords the principal means of access to abutting property. The term "street" also includes the terms highway, parkway, road, roadway, public way, thoroughfare, avenue, boulevard, lane, court, place, and other such terms, and may be identified according to type of use as follows:

- A. Arterial Streets:** A system of streets and roads which form and integrated network of continuous routes primarily for through traffic. The arterial system is stratified into principal and minor categories.
- B. Principal Arterial Streets:** A system of streets and roads which serve corridor traffic movements having trip length and travel density characteristics indicative of substantial state-wide or interstate travel, or connect major population centers in rural areas, or serve major centers of activity and the highest traffic volume corridors with the longest trip desires in urban areas.
- C. Minor Arterial Streets:** A system of streets and roads which link other cities, large towns and traffic generators, and provide a substantial amount of interstate and intracounty service in rural areas, or interconnects and augments with the principal arterials to provide service to trips of moderate length for intracommunity continuity in urban areas.
- D. Collector Streets:** A system of streets and roads which serve travel of primarily intra-area and intracounty importance with approximately equal emphasis to traffic circulation and land access service. The collector system is generally further stratified into major and minor categories. These streets provide connection primarily between arterial and local streets. The system collects and distributes traffic between the arterial and local systems.
- E. Cul-de-sac Streets:** A local street open at one end only and with a special provision for vehicles turning around.
- F. Dead-end Streets:** A local street open at one end only, and without a special provision for vehicles turning around, not to exceed one lot in depth.
- G. Feeder Streets:** A local street which facilitates the collection of traffic from local streets and which provides circulation within neighborhood areas.
- H. Frontage Streets:** A local street or road auxiliary to and located on the side of an arterial for service to abutting property and adjacent areas, and for control of access.
- I. Highway Streets:** A terms applied to streets and roads that are under the jurisdiction of the Indiana State Highway Commission.
- J. Limited Access Streets:** A street or road to which abutting properties are denied access.

- K. Local Streets:** A system of streets and roads which primarily provides land access service and access to higher order systems. These streets primarily serve as access to abutting properties not intended as major arteries carrying through traffic.
- L. Loop Street:** A local street with both terminal points on the same street of origin.
- M. Partial Street:** A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.
- N. Perimeter Street:** Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.
- O. Private Street:** A local street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.
- P. Public Street:** A street under the control of and kept by the public, established by regular governmental proceeding for the purpose, or dedicated by the owner of the land and accepted by the proper authorities and for the maintenance of which they are responsible.
- Q. Secondary Street:** Street designed to facilitate the collection of traffic from feeder streets, and usually located on neighborhood boundaries.

SUBDIVIDER: Any person who undertakes the subdivision of land as defined herein. The subdivider may be the owner or the authorized agent of the owner of the land to be subdivided.

SUBDIVISION: The division of a parcel of land into lots, parcels, tracts, units or interest, in the manner defined and prescribed by this Subdivision Control Ordinance, as amended from time to time, for the purpose, whether immediate or future, of development for residential, commercial or industrial purposes.

TOWN: The Town of Cedar Lake, Lake County, Indiana.

TOWN COUNCIL: The legislative body of the Town of Cedar Lake, Lake County, Indiana.

TOWN STAFF: The duly designated official(s) or representative(s) of the Town of Cedar Lake, whether elected, appointed, or employed, who are assigned the duties and responsibility of the review and control of planning, development and the like, within the Town.

WATERCOURSE: The watercourse shall include channel, creek, ditch, drain, river, swale and stream.

WETLANDS: Areas as defined by the appropriate State and Federal Agencies.

TITLE III – PROCEDURE FOR SUBMISSION OF PLATS

SECTION 1: General.

No person proposing a Subdivision shall sell, agree to sell, transfer, lease or otherwise convey any lot, parcel or tract in a Subdivision, or construct or commence the construction of any building in a Subdivision until the Final Plat of the proposed Subdivision is approved by the Plan Commission and recorded in accordance with the provision hereof.

No person proposing a Subdivision shall proceed with any grading and improvements for streets or installation of public utilities until the Final Plat of the proposed Subdivision is approved by the Plan Commission, written authorization of the Plan Commission has been obtained, and the final plat recorded with the Recorder of Lake County, Indiana.

SECTION 2: Pre-Application Conferences and Study Sessions.

A person desiring approval of a plat shall first meet with the Plan Commission, at a Study Session, to discuss the general proposal. It is recommended that the Subdivider meet with the Town Staff prior to meeting with the Plan Commission. The Subdivider shall discuss the proposal before filing an application for Preliminary Plat Approval. No fee or formal application is required for this Study Session meeting. The Subdivider should be prepared to discuss the details of his proposed Subdivision, including but not limited to such items as follows:

Statement of Intent: A concise summary of proposed development including the following items:

- ___ A. Location
- ___ B. Ownership and control of property
- ___ C. Area (Acreage)
- ___ D. Flood plain check
- ___ E. Existing zoning & land use/Proposed zoning & land use
- ___ F. Existing covenants and land use restrictions
- ___ G. Land characteristics-Topo concept-Aesthetics-Wetlands Classifications
- ___ H. Soil information (i.e. published soil survey)
- ___ I. Availability of utilities
 - ___ 1. Water line size – location
 - ___ 2. Sanitary line size – location
 - ___ 3. Storm sewers and drainage
 - ___ 4. Nipsco, Ind. Bell, U.S. Cable availability
 - ___ 5. Other Town services availability (Fire, Police, Water Treatment, etc.)
 - ___ 6. Wells and water supply information (Well logs; test well results, etc.)

- ____ J. Number of phases
- ____ K. Number of lots/units/buildings/density per phase and per total development
- ____ L. Proposed Protective Covenants or Deed Restriction, if any
- ____ M. Projected dates for start & completion per phase and per total development
- ____ N. Adequate drawing of proposed development with street patterns
 - ____ 1. Ingress / egress
 - ____ 2. Proposed street width and improvement to existing streets
 - ____ 3. Cul-de-sacs, street stubs, etc.
 - ____ 4. Sidewalks and curbing
 - ____ 5. Street signs & traffic control devices
 - ____ 6. Fire & Police approval/review
 - ____ 7. Easements
- ____ O. Proposed utilities-location, connections, stubs, etc.
 - ____ 1. Nipsco, Ind. Bell, U.S. Cable
 - ____ 2. Water (Town Staff approval/recommendation)
 - ____ 3. Sanitary (Town Staff approval/recommendation)
 - ____ 4. Fire hydrant – location
 - ____ 5. Street light – location
 - ____ 6. Street light energy cost (i.e. Nipsco, etc.)
- ____ P. Proposed storm drainage
 - ____ 1. Individual storm sewer taps
 - ____ 2. Appropriate catch basins & connections
 - ____ 3. Retention and outflow
 - ____ 4. Compliance with the Town Storm Drainage Control Ordinance
- ____ Q. Proposed public and/or recreational areas
- ____ R. Any other pertinent information

The Subdivider shall be responsible for providing all information and documentation deemed necessary and required by the Town and shall bear the burden of proof for the Subdivision Approval before the Plan Commission.

SECTION 3: Preliminary Plat.

After the Pre-Application Conferences, Study Sessions, and Staff Conferences, the Subdivider shall submit an application for approval of a Preliminary Plat to the Plan Commission (copy) and the Town Clerk-Treasurer (original) with payment to the Town Clerk-Treasurer in the manner required by the Town. The Subdivider shall further be required to pay the prescribed application fee, as stated hereinafter, at the time of the filing of the application to the Town Clerk-Treasurer.

- A. The application shall be submitted to the Town Clerk-Treasurer, with a copy provided to the Plan Commission, at least fifteen (15) days prior to the Public Hearing and shall be accompanied by the following:
 1. Five (5) copies of all maps and data as set forth in Section 3 of Title IV of this Subdivision Control Ordinance, as amended from time to time.
 2. A certified check or money order, in the amount of Two Hundred Fifty Dollars (\$250.00) plus One Dollar and Fifty Cents (\$1.50) per lot in the Subdivision with a minimum charge of Two Hundred Seventy-Five Dollars (\$275.00) to cover administrative cost regarding the proposed plat.
 3. The application for Preliminary Plat Approval shall be accompanied by a Statement of Intent from the Subdivider which addresses the items contained in Section 2 of this TITLE III. The Statement of Intent shall state that all costs of improvements and inspections shall be the responsibility and obligation of the Subdivider.
- B. At the time of the Public Hearing, notice of which shall have been published one (1) time in two (2) newspapers of general distribution, at least ten (10) days prior to the hearing, not including the date of the meeting, pursuant to the applicable Indiana Statutes, as amended from time to time, together with the required adjacent property notification, the Plan Commission shall take either one or more of the following actions:
 1. Approve the Preliminary Plat;
 2. Require additions, corrections, changes or other information necessary for compliance with this Subdivision Control Ordinance, as amended from time to time, or approval of Preliminary Plat; or
 3. Reject the Subdivision proposal when it finds the proposal does not comply with the requirements of this Subdivision Control Ordinance, as amended from time to time, or other Ordinances of the Town of Cedar Lake, or where a proposed Subdivision would adversely affect the public health, safety, morals, convenience, order of general welfare of the community and residents of the Town.

- C. The Plan Commission shall so advise a Subdivider of the action taken in writing not more than ten (10) working days following the date of the public hearing at which the action is taken.
- D. The Subdivider shall be required to submit with the Preliminary Plat the written recommendation of all Utility and Public Service companies, such as Indiana Bell Telephone Company, Northern Indiana Public Service Company, and the like, which shall serve the proposed Subdivision, approving the easements as shown or any changes that have been requested.
- E. Any person feeling himself aggrieved at any action of the Plan Commission upon the proposed plat or replat, may apply in writing, by certified mail, to the Plan Commission, prior to its next regular monthly meeting, for modification of the action complained of, and such application shall be considered by the Plan Commission, at such time and in such a manner as it may determine.
- F. The approval of the Preliminary Plat by the Plan Commission implies the general acceptability of the layout and the engineering proposals submitted; however, the Plan Commission may require additions and changes for approval of the Final Plat and Engineering.
- G. Preliminary Plat approval shall be effective for a maximum period of twelve (12) months, unless upon application by the Subdivider in writing, an extension of time is requested, and the Plan Commission, finding reasonable grounds therefore, grants an extension which shall not be for a longer period of time than twelve (12) additional months; provided however, that Final Plat approval of any portion of the Preliminary Plat shall automatically extend the approval of the remainder of the Preliminary Plat for an additional twelve (12) months from the time of Final Plat approval of the particular phase for which Final Plat approval was granted.

SECTION 4: Letter of Intent.

Whenever any person proposes to construct or erect any buildings, or other structure on land not within an approved Subdivision, that person shall file with the zoning Administrator, or other duly designated Town representative, together with his application for Building Permit, a Letter of Intent, including therein, so far as applicable, the matters required in the Statement of Intent contained in Section 2 of this TITLE III.

SECTION 5: Final Plat.

After Preliminary Plat approval is obtained, the Subdivider shall submit a Final Plat to the Plan Commission as set forth in Section 4 of TITLE IV of this Subdivision Control Ordinance, as amended from time to time.

- A. The Subdivider shall be required to appear before the Plan Commission for Final Plat Approval at a Public Meeting no sooner than the next regularly scheduled Public Meeting of the Plan Commission after obtaining Preliminary Plat Approval. The Plan Commission shall review the request of the Subdivider for Final Plat Approval to determine whether the Final Plat is in accordance with the requirements of this Subdivision Control Ordinance, as amended from time to time.
- B. The Subdivider shall be required to submit the following for Final Plat Approval:
 - 1. Five (5) black or blue line prints and two (2) original Mylars – reproducible prints of the plat.

SECTION 6: Final Plat Bond Requirements. (Amended September 21, 2010)

The Final Plat shall not be submitted to the Plan Commission for approval until the following requirements have been completed as follows:

- A. A Certificate has been issued that the public improvements required by this Subdivision Control Ordinance, as amended from time to time, have been installed in strict compliance with the current Development Standards Manual for the Town, and are accepted by the Town. Public improvements, for purposes of acceptance, means any required public improvements, including, but not limited to, sanitary sewer systems, potable water supply systems, storm sewer systems, streets, and other publicly dedicated improvements. Acceptance of improvements is conditional, and is based on a three (3) year maintenance period which commences with the formal date of acceptance of such improvements by the Town.
- B. Issuance of a Maintenance Letter of Credit by the Subdivider, which is accepted by the Town at the time of the acceptance of the public improvements. The Maintenance Letter of Credit shall be for a term of three (3) years from the date of formal acceptance of the public improvements by the Town and shall be in the amount of ten percent (10%) of the original estimated costs of all required subdivision public improvements, as determined by the Plan Commission. In the event all of the accepted improvements are in satisfactory and acceptable condition to the Town at the end of the three (3) year maintenance period, then the Maintenance Letter of Credit will be released. In the event that the accepted public improvements are not in acceptable and satisfactory condition to the Town at the end of the

three (3) year maintenance period, then the Subdivider shall be notified in writing of the unacceptable and unsatisfactory conditions and directed to take corrective actions to remedy the conditions. If the Subdivider does not take the designated corrective action, or does so in a manner not acceptable to the Town, or in a manner which does not meet the standards and requirements of the Town, the Town shall take all necessary action regarding the unacceptable and unsatisfactory conditions including, but not limited to, utilizing the Maintenance Letter of Credit to pay for the costs and expenses anticipated to be incurred by the Town to remedy the unsatisfactory and unacceptable condition o the public improvements. The Town shall utilize the standards established by the State of Indiana Department of Transportation as the basis of determination of acceptance of the public improvements and Town Developmental Standards, as recommended by the Town Engineer. There shall be an annual review of all Maintenance Letter of Credits by the duly designated Town authorities.

- C. Issuance of a Performance Letter of Credit by the Subdivider, which is approved and accepted by the Town. The Performance letter of Credit shall be in the amount of One Hundred Ten Percent (110%) of the estimated costs of all public improvements, which are required by this Subdivision Control Ordinance, as amended from time to time, as shown on the approved Subdivision plans and specifications. The amount of the Performance Letter of Credit shall be fixed by the Plan Commission on costs which are usual and customary for like items of construction and installation upon recommendation from the Town Engineer. The Performance Letter of Credit shall specify that all public improvements shall be installed within three (3) years from approval of the Final Subdivision Plat by the Plan Commission. There shall be an annual review of all Performance Letter of Credits by the duly designated Town authorities. In the event that a Performance Letter of Credit has to extended past the original three (3) years to install the public improvements, then the Letter of Credit amount shall be recalculated at current costs for the public improvements remaining to be installed.
- D. All Letter of Credits required under this Section shall be issued by a financial institution authorized to do business in the State of Indiana.
- E. In lieu of issuance of either a Performance or Maintenance Letter of Credit, the Subdivider may post the following with the Town Clerk-Treasurer, provided the same is approved by the Plan Commission, namely:
 - 1. Cash, in the amount of the required Letter of Credit;
 - 2. Other negotiable securities; or
 - 3. A combination of cash or other negotiable securities.
- F. The Performance Letter of Credit may be reduced in proportion to the amount of the public improvements constructed and installed, but shall not be reduced to less than twenty-five percent (25%) of the estimated costs of the public improvements. The Performance Letter of Credit shall be retained

and not released until the Subdivider provides the required Maintenance Letter of Credit required in this Section.

SECTION 7: Final Plat Acceptance Procedure.

In the event the Plan Commission determines that the Final Plat is in accordance with the requirements of this Subdivision Control Ordinance, as amended from time to time, they shall affix the seal of the Plan Commission upon the plat and the President and Secretary, or other authorized Members, shall endorse the plat and return it to the Subdivider. If disapproved, the President shall attach to the original copy of the Final Plat, a statement of the reasons for such action and return it to the Subdivider without acceptance.

SECTION 8: Recording.

The Subdivider shall present a copy of the approved Final Plat to the Recorder of Lake County, Indiana. Unless the plat is duly recorded within One Hundred Eighty (180) days from the date of Final Plat approval, the Plan Commission approval of the Final Plat shall expire, and shall be of no effect unless subsequently reinstated.

TITLE IV – PLAT SPECIFICATIONS

SECTION 1: General.

In a Subdivision for residential use of less than five (5) lots and where the lots abut existing public roads and utilities, the Plan Commission may waive data requirements such as topographic, street and utility information, where the Plan Commission deems such information unnecessary.

SECTION 2: Proposal Plan (Sketch Plan).

The Subdivider shall prepare a Proposal Plan or Sketch Plan to present to the Plan Commission at Study Session after any Staff or Pre-Application Conferences. The Subdivider shall be required to address the following matters in the Proposal Plan presented to the Plan Commission, namely:

A concise summary of proposed development including the following items:

- ___ A. Location
- ___ B. Ownership and control of property
- ___ C. Area (Acreage)
- ___ D. Flood plain check
- ___ E. Existing zoning & land use/Proposed zoning & land use
- ___ F. Existing covenants and land use restrictions
- ___ G. Land characteristics-Topo concept-Aesthetics-Wetlands Classifications
- ___ H. Soil information (i.e. published soil survey)
- ___ I. Availability of utilities
 - ___ 1. Water line size – location
 - ___ 2. Sanitary line size – location
 - ___ 3. Storm sewers and drainage
 - ___ 4. Nipsco, Ind. Bell, U.S. Cable availability
 - ___ 5. Other Town services availability (Fire, Police, Water Treatment, etc.)
 - ___ 6. Wells and water supply information (Well logs; Test Well results, etc.)
- ___ J. Number of phases
- ___ K. Number of lots/units/buildings/density per phase and per total development
- ___ L. Proposed Protective Covenants or Deed Restriction, if any
- ___ M. Projected dates for start & completion per phase and per total development
- ___ N. Adequate drawing of proposed development with street patterns
 - ___ 1. Ingress / egress
 - ___ 2. Proposed street width and improvement to existing

- streets
- _____ 3. Cul-de-sacs, street stubs, etc.
- _____ 4. Sidewalks and curbing
- _____ 5. Street signs & traffic control devices
- _____ 6. Fire & Police approval/review
- _____ 7. Easements
- _____ O. Proposed utilities-location, connections, stubs, etc.
 - _____ 1. Nipsco, Ind. Bell, U.S. Cable
 - _____ 2. Water (Town Staff approval/recommendation)
 - _____ 3. Sanitary (Town Staff approval/recommendation)
 - _____ 4. Fire hydrant – location
 - _____ 5. Street light – location
 - _____ 6. Street light energy cost (i.e. Nipsco, etc.)
- _____ P. Proposed storm drainage
 - _____ 1. Individual storm sewer taps
 - _____ 2. Appropriate catch basins & connections
 - _____ 3. Retention and outflow
- _____ Q. Proposed public and/or recreational areas
- _____ R. Any other pertinent information

The Proposal or Sketch Plan shall not be prepared in free-hand, but rather, shall be prepared in a professional manner to facilitate, expedite and assist the Plan Commission review. This requirement of preparation may be waived by the Plan Commission, but only for good cause shown. Such determination shall be in the sole discretion of the Plan Commission.

SECTION 3: Preliminary Plat.

The following maps and data shall be submitted with the application for Preliminary Plat Approval. The maps and data may be on separate sheets or combined on one (1) sheet, depending on the size and complexity of the proposed Subdivision.

A. A Location Map of the proposed Subdivision showing:

1. Location within the Town and a metes and bounds description tied to a U.D. Land Survey Section Corner.
2. Zoning of the subject tract and adjacent properties, as well as indication of any covenants on the properties.
3. Gross land area of density (# of lots/acres).

B. Engineering Plans of the proposed Subdivision showing:

1. Contours of the site at vertical intervals of two feet (2'), with reference to USGS data.
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, streams, direction and gradient of ground slope, embankments, retaining walls, buildings, or non-residential usage of land; and wetland areas.
3. Names of Owners of properties adjacent to the proposed Subdivision.
4. Existing and proposed street patterns, rights-of-way, including approximate gradients; types and widths of pavements, curbs and sidewalks; distances and the like.
5. Existing and proposed easements, including widths and purposes.
6. Existing utilities, including the size, capacity, and location of sanitary sewers, storm sewers, drainage facilities, water lines, gas mains, and power lines on adjacent properties.
7. Water availability, if public water is unavailable, including test well information, test logs, etc.

8. Areas subject to periodic overflow of flood or storm waters (Flood Plain information).
9. Subsurface conditions, including information about ground water levels and stability of subsoils; soil type – (Soil Map of Lake County).
10. Tract boundary lines by calculated distances and bearings, with reference to a Section Corner.
11. Title, graphic scale, north point and date.
12. Site map of all lands within One Hundred Feet (100') boundaries.
13. Wetlands Classifications, if any.
14. Any and all other data or information required by the Plan Commission deemed necessary for review of the proposed Subdivision.

C. A Subdivision Plat of the proposed Subdivision drawn at a scale no smaller than One Hundred Feet (100') to one inch (1") showing:

1. Subdivision Name.
2. Names and addresses of the Owner, Subdivider, and the Person who prepared the Plat and Subdivision Plans.
3. Street pattern, including the names (which shall not duplicate existing streets in the Town unless it is an extension of an existing street), widths of rights-of-way of streets, widths of easements for alleys, approximate grades of streets where they exceed five (5%) percent.
4. Layout of lots, including dimensions and total square footage, lot and address numbers, building set-back lines, front yard lines, width of lot at building set-back line, and street addresses.
5. Parcels of land to be dedicated or reserved for schools, parks, playgrounds or other public or community use, including all proposed utility easements.
6. Key plan, legend, notes, graphic scale, north point and date.
7. Legal description of property to be Subdivided, with exact length and bearings of the first degree of accuracy of the exterior boundaries.

D. Engineering Plans for the proposed Subdivision showing:

1. Plans and profiles of the proposed street, sanitary and storm sewers, and water distribution system.
2. General explanatory data concerning the installation of water distribution systems, storm sewers, and sanitary sewers, as well as septic systems, soil conditions and landfill, as said improvements relate to the total utility system.
3. Report of the feasibility of connection to an existing sewer system, including distances to the nearest public sewer, service load of the Subdivision and capacity of the sanitary waste treatment plant. In the event that a lift station is required, as per Town Staff, it shall be designed to accommodate the present and future development of the total area that may be serviced. The Subdivider shall be responsible for the cost of maintaining said lift station for a period of three (3) years, and provide a Maintenance Bond to the Town in the manner as required in TITLE III hereunder.
4. In the event connection to a public sanitary sewerage system is not feasible, a report on the feasibility of on-lot sewerage disposal, including a detailed map of the physical conditions of the site, contours, finished grades, water courses, ground water table elevations, and the results of soil percolation test for each individual lot conducted in accordance with the recommended practices of the Indiana State Board of Health.
5. Proposed storm retention/detention design and calculations. Detention areas, when possible, should be part of a subdivision lot and should be maintained by the lot owner, and shall discharge into an adequate storm drainage system. All storm drainage systems shall be designed in conformance with the requirements of the Town Storm Drainage Control Ordinance, as amended from time to time.
6. Relationship of the Subdivision's storm drainage system to the total water shed.
7. Bench marks located within a fifteen hundred (1500') feet radius of each lot, referenced by USGS Datum.

8. Each lot shall bear an elevation notation which is not lower than sixteen inches (16") above the top of the curb(s) at the average point of the curb(s) adjoining the lot, related to the United States Coast and Geodetic Survey Datum, of the minimum elevation of the entrance into any principal; use structure built on that lot. Said elevation shall be planned to avoid direct flow of storm water runoff into the principal; use structure, provided however, that under unusual topographical conditions the lowest elevation entrance requirements may be waived by the Plan Commission on the original Plat, or by the Town Engineer in writing on a form approved by the Plan Commission. Elevations of the proposed building's entry level, the ground elevations at the corners of the building, and the elevations of the lots corners as well as the overland flow shall also be shown on the plan.

E. Restrictions: A draft of the protective covenants or private restrictions to be adopted in the Final Subdivision Plat.

F. Letters of Recommendation: (as amended April 10, 2007, according to Ordinance No. 998) regarding the application for Preliminary Plat Approval from the following, namely:

1. Lake County Health Department.
2. Town Engineer.
3. Lake County Highway Department, if the proposed Subdivision abuts a County Road or Highway.
4. Soil Conservation Service, Department of Agriculture, in Crown Point.
5. Town Public Works Director of Operations, or other designated Town Official, if the proposed Subdivision abuts a Town Street.
6. Police Department.
7. Fire Department.
8. Ambulance Department.
9. Where applicable, Lake County Drainage Board.
10. Department of Parks and Recreation.

SECTION 4: Final Plat.

The Final Plat shall be drawn at a scale no smaller than One Hundred feet (100') to One inch (1"), with water proof, non-fading India ink on tracing cloth or equally acceptable material.

The Final Plat shall show:

- A. Subdivision names; name and addresses of Owner and Subdivider; Source of title of land as shown by the books of the county Recorder; graphic scale; north point; date; certificate of approval of the Plan Commission.
- B. Survey data with certification by a registered professional Engineer or Land Surveyor, showing:
 1. Legal description of the property being subdivided.
 2. Calculated distances and bearings of the Subdivision boundaries, lots, lot sizes with total square footage, utility easements, streets, alleys, sidewalks, building set-back lines, width of lots at building set-back line, lot grades, and parcels of reserved or dedicated land for community purposes, and the total area of the land which is the subject of the proposed Subdivision development.
 3. Location and distances to the nearest established street corners or official monuments and of the streets intersecting the boundaries of the Subdivision. Subdivision corners shall be marked with a one inch (1") diameter pipe, twenty-four inches (24") long, encase in six inch (6") diameter concrete.
 4. Location, type, material and size of monuments.
 5. Vicinity map (small scale) and exact location of Subdivision tied to a Section Corner, Township and Range.
 6. Lot numbers, street names, house numbers, street light placement, and hydrant placement.

7. Each lot shall bear an elevation notation which is not lower than sixteen (16") inches above the top of the curb(s) at the average point of the curb(s) adjoining the lots, related to the United States coast and Geodetic Survey Datum, of the minimum elevation of the following: (Said notations may be tabular form.)
 - a. Entry way.
 - b. Main floor.
 - c. Ground grade at each corner of building.
 - d. Ground grade at the four (4) lot corners.
 - e. Direction of overland flow.

8. Complete Curb Data.

- C. Notations as to whether improvements are dedicated or not.
- D. Protective covenants or private restrictions shall be included on the Final Plat or on a separate document recorded with the Final Plat.
- E. Final engineering plans, in addition to the information required for preliminary approval, shall include:
 1. Plan and profiles, cross-sections and specifications for proposed street, sanitary, storm and water improvements.
 2. Other explanatory data concerning installation of the water distribution system, storm sewers and sanitary sewers.
 3. Certification by a Certified Engineer that storm water design installation shall not damage the land being developed, as well as not damage the adjacent and down-stream properties, by Certification that reads as follows:

"I, the undersigned, state that to the best of my knowledge and belief, the drainage of surface waters will not be changed by the construction of this Subdivision, or that if such surface water drainage will be changed, reasonable provision has been made for the collection and diversion of such surface waters into public areas or drains which the Subdivider has the right to use, and that such surface waters will be

planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of this Subdivision.”

TITLE V – DESIGN STANDARDS

SECTION 1: General.

The Plan Commission shall not approve any Plat unless the land whereon buildings are to be constructed shall be of such character that is can be used for building purposes without danger to health or peril from fire, flood or other hazards.

SECTION 2: Natural Features.

Existing natural features which would add value to the Subdivision and the Town, such as trees, valleys, watercourses, historic spots and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design of the Subdivision. Each lot in a platted Subdivision shall have two (2) trees planted of a style and in a manner as directed by the Plan Commission.

SECTION 3: Street.

The Plan Commission shall not approve any Plat unless all streets shown thereon shall be of sufficient width and proper grade, and shall be so located as to accommodate the anticipated volume of traffic thereon, afford adequate light and air, facilitate fire protection, provide a coordinated system of streets conforming to the Thoroughfare and Street Plan of the Town.

- A. Local streets shall be planned as to discourage through traffic.
- B. Wherever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided, the remainder of said street or alley, to the prescribed width, shall be platted within the proposed subdivision.
- C. Half streets shall not be provided, except where it is essential to the reasonable development of the Subdivision in conformance with the requirements of this Subdivision Control Ordinance, as amended from time to time.
- D. Cul-de-sacs shall not be longer than Six Hundred feet (600’), including a turn-around which shall be provided at the closed end with an outside curb radius of at least Fifty feet (50’) and a right-of-way radius of not less

than Sixty feet (60'). The maximum grades of the turn-around portion of cul-de-sac shall be five percent (5%).

- E. Alleys shall not be provided in Residential Zoning Districts but may be included in Business and Industrial Zoning Districts where required for loading or unloading or access purposes.
- F. The minimum distance between center line of parallel or approximately parallel streets intersecting a cross street from the opposite directions shall be at least Two Hundred feet (200').
- G. Intersections of more than two (2) streets at one point shall be avoided.
- H. Dead-end streets shall be prohibited unless provided with a turn-around or cul-de-sac arrangement. If an extension of a the street is planned for the near future, the Subdivider shall provide a temporary turn-around until such time as the street is extended.
- I. Subdivisions shall be developed and planned with more than one (1) access, as per the requirements of the Plan Commission.
- J. Right-of-way requirements may be increased due to anticipated traffic flow. Drainage easements shall reasonably parallel right-of-ways. Any required increased width shall be established by the Plan Commission.
- K. Minimum right-of-way widths, paving widths, angle of intersection, curb radius, distance along sides of sight triangles, horizontal alignments, and vertical alignments shall be in accordance with **Table 1** hereafter. Maximum grades shall also be in accordance with **Table 1** hereafter.

Table 1

	Major Arterial Streets	Minor Arterial Collector Streets	Local Streets	Cul-de-sacs	Cross Walks	Alleys
Right-of-Way Width (radius)	80'	66'	60'	60'	12'	30'
Paving Width (back to back of curb) (radius)	45'	36'	33'	50'	10'	20'
Maximum Grade	7.5%	8%	10%	10%	-	-
Minimum Angle/Intersection	90	80	80	80	-	70
Minimum Curb Radius	35'	15'	16.5'	16.5	-	5'
Minimum Grades/25' Before Intersection	3%	3%	3%	3%	-	3%
Site Triangles (Distance along sides of) Through Street/Stop Street	500' /30'	500' /30'	400' /25'	300' /25'	-	50' /20'

Horizontal Alignment (Minimum Radius of Center Line)	600'	400'	300'	100'	-	100'
Vertical Curves Minimum	500'	300'	300'	100'	-	100'

The Town deems the specifications herein to be the minimum standards required, but reserves the right to adjust these specifications where necessary and as determined by the Plan Commission or the Town Engineer.

SECTION 4: Blocks.

Blocks shall ordinarily not exceed One Thousand feet (1000') in length. Where it is necessary for blocks to exceed this length, pedestrian ways and/or easements shall be located near the center of the block.

SECTION 5: Lots.

All lot and yard sizes shall conform with the requirements of the Town Zoning Ordinance, as amended from time to time, and the lots shall be designed in accordance with the following design standards:

- A. Every lot shall be provided with access adequate for the use of public safety vehicles and other public and private purposes and shall be served by a public or private street system, improved in accordance with this Subdivision Control Ordinance, as amended from time to time, and connected to the general street system.
- B. Side lines of lots shall be approximately right angles to straight streets and on radial lines on curved streets. Pointed or very irregular lots shall be avoided.
- C. Double-frontage lots shall be avoided.
- D. When a tract is subdivided into larger than required building lots and there are no covenants preventing Resubdivision of the lots, such lots or parcels shall be so arranged as to permit a logical location and opening of future streets and Resubdivisions with provision for adequate utility connections for each Subdivision.
- E. All lot corners shall be designated with an iron pipe, set by a land surveyor, before a building permit is issued.

SECTION 6: Easements.

Easements for utilities and drainage shall have a minimum width of twelve feet (12') on each lot with access available to all portions of said easement. The placement of required utilities shall be in the rear of each lot with access available to the same by easement of the same adequate width for said purpose or each side of the lot. Where a Subdivision is traversed by a water course, there shall be

provided a storm water easement or drainage right-of-way of a width sufficient for the purpose. No building or structure will be constructed within a minimum of twenty-five (25) feet of the top perimeter of any mutual drain.

In the event the Plan Commission determines the above easement requests are not adequate or are excessive owing to special conditions related to the property being subdivided, then the Plan Commission may increase or decrease the easement requirement. No permanent or other structures shall be erected or maintained upon any easements, and owners of lots shall take their title to property subject to the rights of easements for public use.

SECTION 7: Water and Sewer Systems.

The water supply and sewage disposal systems for the Subdivision shall meet the design standards and requirements of the United States Environmental Protection Agency (E.P.A.), the Indiana Department of Environmental Management (I.D.E.M.), the Indiana State Board of Health, the Lake County Health Department, the Town of Cedar Lake Sewer Department, and any and all other applicable Federal, State, or local regulatory authorities. The Town shall be copied as to any correspondence with the above mentioned Agencies, related to the Subdivision for which approvals are requested.

SECTION 8: Public Sites and Open Spaces.

No land shall be subdivided which is unsuitable for development by reason of flooding, collecting of ground water, inadequate drainage or any other features likely to be harmful to the health, safety or welfare of the future residents of the Subdivision or the community. Such lands shall remain Unsubdivided until such time as the conditions causing the unsuitability are corrected. The Town shall be provided verification that the land to be subdivided is not classified as "Wetlands" by the appropriate State or Federal Agency.

SECTION 9: Park Dedication Regulations.

A. Dedication of Park Lands or Payments of Fees in Lieu of: As a condition of approval of a Final Plat of Subdivision, or of a Final Plat of a Planned Unit Development, in order to promote the health, safety, comfort, convenience and general welfare of the residents of the Subdivision or Planned Unit Development, each Subdivider or Developer shall be required to dedicate, at the option of the Town, land for park and at the option of the Developer, recreation purposes, or in lieu of actual land dedication, contribute cash, or a combination of both, in accordance with the provisions contained hereafter.

B. Criteria for Requiring Park and Recreational Land Dedication:

1. Requirements and Population Ratio: The ultimate density of a proposed residential or subdivision development shall bear directly upon the amount of land required for dedication. The total requirement shall be

three and one-half (3 ½) acres of land per Five Hundred (500) of ultimate population in accordance with the following classifications:

Types of Recreation Area	Required Minimum Size	Ratios of Acres Per 500 People
a) Neighborhood Park	Min. 1.75 Acres	.75
b) District-wide or Play Field	Min. 2 Acres up to 15 Acres	1.125
c) Community-wide Recreation Park	Min. 6 Acres up to 15 Acres	1.625

2. Location: The Comprehensive Park and Recreational plan and/or the standards by types of recreation and park area as adopted by the Town Council shall be used as a guideline in locating sites. A central location which will serve the entire development equally is most desirable. In large developments, these sites can be located throughout the development according to established standards for park area distances. The final determination concerning the acceptability of land for Park use and type will be made by the Town Plan Commission.

3. Fair Market Value: The cash contributions in-lieu-of land shall be based on the "fair market value" of the acres of land in the area improved that otherwise would have been dedicated as park and recreation sites. In the event of any such objection, the Developer shall submit an appraisal showing the "fair market value" of such improved land in the area of the development of other evidence thereof, and final determination of said "fair market value" per acre of such improved land shall be made by the Town Council based upon such information submitted by the Subdivider or Developer and from other sources which may be submitted to the Town Council by the Plan Commission or others. The words "fair market value" shall have their ordinary and usual meaning as generally defined by the Laws of the State of Indiana and as applied by Indiana Real Estate Brokers.

4. Criteria for Requiring Dedication and a Fee: There will be situations in Subdivisions or planned unit developments when a combination of land dedication and a contribution in-lieu-of land are both necessary. These occasions will arise when:
 - (a) Only a portion of the land to be developed is proposed as the location for a Park site. That portion of the land within the Subdivision falling within the Park location shall be dedicated as a site as required, and a cash contribution in-lieu-thereof shall be required for any additional land that would have to be dedicated.

(b) A major part of the local Park and recreation site has already been acquired and only a small portion of the land is needed from the development to complete the site. The remaining portions shall be required by dedication, and a cash contributions in-lieu-thereof shall be required.

5. Criteria for Requiring a Contribution In-Lieu-Of Park Sites: Where the development is small and the resulting site is too small to be practical or when the available land is inappropriate for park and recreational purposes, the Town shall require the Subdivider or Developer to pay a cash contribution in-lieu-of park and recreation land dedication which shall be held in trust by the Town, or other public body designated by the Town, solely for the acquisition of park and recreation land as herein classified, which shall be available to serve the immediate or future needs of the residents of that subdivision or development or for the improvement of other existing park and recreation land which already serves such needs. If any portion of the cash contribution in-lieu-of park and recreation land is not expended for the purposes as set forth herein within ten (10) years from the date of receipt, it shall be refunded to the Developer who made the contribution. In the event a Subdivider or Developer files a written objection to the table of Estimated Ultimate Population listed herein, he shall submit his own demographic study showing the estimated additional population to be generated from the Subdivision or Planned Unit Development and in what event final determination of the of the density formula to be used in such calculations shall be made by the Town Council based upon such demographic information submitted by the Subdivider or Developer and from other sources which may be submitted to the Town Council by the Park Board or others. It is recognized that the population density, age distribution and local conditions change over the years, and the specific formula for the dedication of land, or the payment of fees in-lieu-thereof, as stated herein, is subject to periodic review and amendment if necessary.

The following table will determine the required cash contribution on the part of the Developer when the development is too small to meet the minimum requirement of 1.75 acres for Park land:

Number of Lots	Required Contribution Per Lot
1 – 15	\$250.00 per lot
16 – 30	\$350.00 per lot
31 – 45	\$400.00 per lot
46- up	\$450.00 per lot

6. Credit for Private Open Spaces and Recreation Areas: When Subdividers or Developers provide their own open space for recreation areas and facilities, it has the effect of reducing the demand for local public recreational services. Depending upon the size of the development, a portion of the Park and Recreation area in Subdivisions or Planned Unit

Development may, at the option of the Town Council, be provided in the form of "private" open space in-lieu-of dedicated "public" open space. The extent of the same shall be determined by the Town Council, based upon the needs of the projected residents and in conformance to the total Park and Recreation land for the general area.

In general, a substitution of private open space for dedicated Parks will imply a substantially higher degree of improvement and installation of recreational facilities, including equipment by the Developer as part of his obligation. Detailed plans of such areas, including specifications of facilities to be installed, must be approved by the Town, and before any credit is given for private recreation areas, the Subdivider or Developer must guarantee that these private recreation areas will be permanently maintained for such use by the execution of the appropriate legal documents, including covenants. Private "swimming clubs" are included in this provision. When adjustment for private recreation areas is warranted, it will be necessary to compute the total Park land dedication that would have been required from the Subdivision or Planned Unit Development and then subtract the credit to be given.

7. Reservation of Additional Land: Where the Comprehensive Master Plan of the Town calls for a larger amount of Park and Recreational land in a particular proposed Subdivision or Planned Unit Development, then the Developer is required to dedicate the land needed beyond the Developer's contribution which land shall, if so determined by the Town Council, be reserved for subsequent purchase by the Town or other public body designated by the Town provided that the acquisition is made within five (5) years from the date of approval of the Final Plat.
8. Combining with Adjoining Developments: Where the Subdivision or Planned Unit Development is less than forty (40) acres, public open space which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable recreation areas without hardship on a particular Developer.
9. Topography and Grading: The slope, topography, and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes. Grading on sites dedicated for Park and Recreational uses shall not differ greatly from surrounding land.
10. Improved Sites: All sites shall be dedicated in a condition ready for full services of electrical, water, sewer, and streets (including enclosed drainage and curb and gutter) as applicable to the location of the site, or acceptable provision made therefore.
11. Title to Sites: All sites shall be conveyed to the Town either by Warranty Deed or Trustee's Deed. The Subdivider shall be responsible for conveying good, merchantable title to such sites, and shall be responsible for payment of all real estate taxes to the date of conveyance, including

any agricultural rollback taxes which might be extended or levied against such sites, for any tax years or periods prior to the time of conveyance.

12. Density Formula: The following table of population density is generally indicative of current and short range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contribution in-lieu-of unless a written objection is filed thereto by the Subdivider or Developer:

TABLE OF ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT

Children Per Unit

Type of Unit	Pre-School	Elem.	Jr. High	TOTAL	High	School	
		Grades K-5	Grades 6-8	Grades K-8	Grades 9-12	Adult 18-Up	TOTAL PER UNIT
	0-4 Yrs	5-10 Yrs	11-13 Yrs	5-13 Yrs	14-17 Yrs.		
Detached	Single	Family					
2 Bedrm	.260	.270	.104	.374	.189	1.835	2.658
3 Bedrm	.285	.436	.193	.629	.315	2.000	3.229
4 Bedrm	.380	.581	.311	.892	.419	2.289	3.960
5 Bedrm	.401	.700	.556	1.336	.568	2.400	4.705
Attached	Single	Family	(Townhouse,	Row House,	Quadriplex	Etc.)	:
1 Bedrm	---	---	---	---	---	1.520	1.520
2 Bedrm	.444	.113	.015	.128	.042	1.960	2.574
3 Bedrm	.463	.353	.097	.450	.168	2.000	3.006
4 Bedrm	.654	.699	.252	.951	.307	2.200	4.112
Low	Density	Apartment	(to	15/acre):			
Efficiency	---	---	---	---	---	1.000	1.000
1 Bedrm	.070	.052	---	---	---	1.420	1.542
2 Bedrm	.315	.213	.085	.298	.098	1.700	2.491
3 Bedrm	.472	.319	.128	.447	.188	2.000	3.107
4 Bedrm	.496	.556	.174	.730	.261	2.100	3.587

Formula for Park Dedication:

Multiply the projected number of homes generated by the development for each of the respective categories times the total per unit figure for that category in the Table of Estimated Density. Total the number of people generated by the development, and then multiply that figure by .007 to determine the amount of acreage or cash in lieu to be contributed.

Example:

80	3 Bedroom house x 3.229 = 258.3
20	4 Bedroom house x 3.960 = <u>79.2</u>

+337.5 Total Population

In cases where the exact number of bedrooms to be generated by the Development is not known, the ratio of 70% 4-bedroom houses and 30% 3-bedroom houses will apply for the purposes of this formula.

13. *Applicable only to Residential Zoned Subdivisions:* The provisions of this Subdivision Control Ordinance, as amended from time to time, shall apply to all Subdivision Zoned Residential, and shall not apply to Business, Shopping Center, Industrial or P.U.D. – Commercial Zoned Subdivisions.

SECTION 10: Planned Unit Development.

The design standards of this Subdivision Control Ordinance, as amended from time to time, may be modified by the Plan Commission in the case of a plan utilizing an unusual concept of development which meets the requirements of this Section, and the requirements of the Town Zoning Ordinance, as amended from time to time. The Planned Unit Development provision is intended to encourage original and imaginative Subdivision design which preserves the natural amenities of the site and provides for the general welfare of the Town.

- A. The unit plan shall be consistent with the spirit and intent of this Subdivision Control Ordinance, as amended from time to time, including but not limited to bonding requirements, inspection fees, and all Town inspection requirements.
- B. The unit plan shall conform to the “Planned Unit Development” requirements of the Town Zoning Ordinance, as amended from time to time.
- C. The Area of land to be developed shall not be less than ten (10) acres.
- D. Properties adjacent to the unit plan shall not be adversely affected.
- E. Any Planned Unit Development cannot be sold or transferred until improvements are complete.

The following section was passed and adopted by the Town Council of the Town of Cedar Lake, on July 17, 2007, as Ordinance No. 1015.

SECTION 11: Compliance with Development Standards Manual.

All of the required improvements specified in this Ordinance shall be constructed in accordance with the design standards and specifications set forth in the Town of Cedar Lake Development Standards Manual, as attached hereto, and

identified as an Addendum to the Town Subdivision Ordinance, and all amendments thereto, with the current design standards and specifications.

TITLE VI – IMPROVEMENTS

SECTION 1: General.

All of the required improvements specified in this TITLE shall be constructed in accordance with the Town standards for Construction and all other applicable Town, County, State, and Federal regulations.

SECTION 2: Monuments and Markers.

Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the Subdivision. Iron or steel markers shall be set at the beginning and ending of all curves along street property lines, and all block corners.

SECTION 3: Streets.

A. General Street Design:

1. The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of storm water and to the proposed uses of the area to be served.
2. Where new streets extend existing adjoining streets, their projections shall be at the same or greater width, but in no case less than the minimum required width.
3. Where adjoining areas are not subdivided, the arrangements of streets in new Subdivisions shall make provisions for the proper projection of streets. When a new Subdivision adjoins Unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of such unsubdivided land.

B. Grades and Dimensions:

All streets shall be graded to the grades and dimensions shown of plans and profiles approved by the Plan Commission and shall include the following improvements:

1. Suitable drainage structures, culverts, storm sewers, ditches, and related installations shall be provided to insure adequate drainage of all points along the streets.

2. Curbs of concrete shall be required on all streets.
3. Pavement shall be required on all Residential streets and shall be of a material and thickness as follows: eight inches (8") of compacted aggregate material, two inches (2") of binder course, and one inch (1") of final coat. All commercial and industrial development streets shall be designed to meet the anticipated traffic loads and in accordance with the Indiana State Highway Codes and design standards.
4. There shall be soil compaction tests performed at a minimum of every Three Hundred (300') feet. The soil boring requirement may be waived if the Town is adequately notified and performs inspections prior to installation of the following:
 - (a) Base material.
 - (b) Binder course.
 - (c) Surface final coat.
 - (d) Sanitary sewers.
 - (e) Storm sewers.
 - (f) Water mains/wells.
 - (g) Sanitary, storm, and water services.
 - (h) Sidewalks.
5. Street shoulders shall be constructed which are uniformly and thoroughly compacted by rolling and level with the tops of curbs or swales.

SECTION 4: Storm Drainage.

The Subdivider shall provide the Subdivision with an adequate storm drainage system. When the surface storm drainage is adequate, easements for such surface storm drainage shall be provided. The construction of a storm drainage system shall conform to all the requirements of the Town Storm Drainage Control Ordinance, as amended from time to time.

SECTION 5: Water Supply.

- A. Where public water supply is available, as determined by the Plan Commission, the Subdivider shall connect to such public water supply and construct a system of water mains with a connection for each lot, and whenever possible all water lines shall be placed to insure looping of the water line system.

- B. Where public water is not available, the Subdivider shall provide acceptable evidence of the availability of water. The Subdivider may be required to make one (1) or more test wells in the area to be platted if such evidence is deemed unacceptable. Copies of well logs from test wells which are obtained shall include the name and address of the well driller and shall be submitted with the plans to the Plan Commission.

- C. In the event a private water supply is permitted, individual private wells shall be located at least Twenty-Five (25') feet from property lines; Fifty (50') feet from all septic tanks; approximately One Hundred (100') feet from all tile disposal fields and other sewerage disposal facilities; Ten (10') feet from all cast iron sewer lines, Thirty (30') feet from any vitrified sewer tile lines; and shall not be located within any floor plan.

SECTION 6: Hydrant Spacing.

Where a public water supply is available, one (1) hydrant should be placed near each street intersection and intermediate hydrants placed where the distance between intersections exceeds Five Hundred (500') feet, or as otherwise required by the Indiana State Fire Marshall's Office and the duly designated Town Officials. Hydrant placement shall be shown on the Final Engineering Plan.

SECTION 7: Sewers.

- A. A Subdivider shall provide the Subdivision with a complete sanitary system to be connected to the Municipal Sanitary sewer system. The system shall be designed in that the following conditions are met:
 - 1. Will not include any sewer of which the purpose is to carry any combination of storm and sanitary sewerages.

2. Will not allow the inflow of any uncontaminated groundwater sources into the sanitary system.
3. Drainage piping serving fixtures that are located below the crown level of the main sanitary sewer shall discharge into an approved water-tight sump or receiving tank, so located as to receive the sewage or other liquid wastes shall be lifted and discharged a minimum of eighteen (18") inches above the crown level of the main sewer and flow by gravity to the main sewer.

B. All pump or lift stations shall, if required for implementation into the Municipal Sanitary system, meet all the requirements of the Town.

SECTION 8: Utilities.

Every lot in a Subdivision shall be capable of being served by Utilities, and all necessary easements shall be provided. Electric, gas and other utility distribution lines shall be installed in the rear utility easement or within properly designated platted easements, designed to reach the rear utility easements. Municipal utilities, storm sewer, sanitary sewer, and water lines shall be run in the street right-of-way, and underground utility lines located in the street right-of-way shall not be installed beneath existing or proposed paved areas and in any case shall be installed prior to the placement of any paving.

- A. Water Service Shut-Offs (Buffalo Boxes) shall not be placed in sidewalks, curbing or driveways.
- B. All utilities shall extend to the end of the Subdivision, with shut-off valves and manholes at the end of the property lines.

All newly constructed utility distribution lines and service lines therefrom for telephone, gas and electrical service (except electric power substation tie-lines), installed hereafter, shall be placed underground. Such distribution lines shall be within easements or dedicated streets and public ways. The installation of such facilities shall be made in compliance with applicable orders, rules and regulations of the Public Service Commission of the State of Indiana, now or hereafter effective, and Owners or Subdividers of any property to be served from such underground installations shall be responsible for compliance with the rules and regulations, now and hereafter effective and filed with said Commission by any public utility whose service will be required with respect to the provisions of such underground facilities.

Plans indicating the proposed location of all gas, electric power and telephone distribution and transmission lines required to serve the plat shall be approved by the Municipal Engineer and the utility, prior to preliminary approval.

SECTION 9: Traffic Control Devices.

Traffic control devices shall be provided in a number, manner and location as approved by the Plan Commission upon recommendation from the Chief of Police.

SECTION 10: Street Signs.

Street name signs and other regulatory signs of a type adopted or approved by the Town shall be installed at each street intersection by the Subdivider, on a location approved by the Plan Commission, pursuant to State Highway Department regulations and/or Town regulations or requirements. The signs shall be installed on the Northeast corner of each intersection where possible. All street signs shall clearly display the designated street name and be securely set in the ground.

SECTION 11: Sidewalks.

Sidewalks shall be required in all Subdivisions by the Plan Commission. Construction of sidewalks shall be in accordance with accepted building standards and shall be a minimum of five (5') feet in width and a thickness of four and one-half (4-1/2") inches, and shall have a one-quarter (1/4") inch rise for each foot from curb to property lines. Sidewalks shall be located in the street right-of-way on both sides of the street at the outside edge of the street right-of-way.

SECTION 12: Street Lighting.

A subdivider shall supply, or shall defray all expenses of supplying a Subdivision with a street lighting system. Location, design and installation shall be considered as a part of the engineering improvements and requirements, and such plans shall be approved first by the public utility, and then the Plan Commission. One (1) light fixture shall be installed at each street intersection, at the end of each cul-de-sac, and at other locations deemed necessary by the Plan Commission. Street lights shall be installed before final acceptance of the street by the Town. An additional street light shall be provided at each pedestrian-way or crosswalk. The Subdivider shall pay all street light costs by reimbursement to the Town, including maintenance and operation, for two (2) years from installation and acceptance by the Town.

SECTION 13: Trees.

A Subdivider shall plant, or cause to be planted, at least two (2) trees on each platted lot of any Subdivision as a condition of approval of any Plat. The location and type of trees shall meet the requirements of the Plan Commission.

The following section was amended, passed, and adopted by the Town Council of the Town of Cedar Lake, on May 26, 1998, as Ordinance No. 720

SECTION 14: Responsibility for Costs.

All Subdividers, Developers, or Property Owners shall be responsible for the costs of all improvements required for each Subdivision, Development or Improvement in the Town of Cedar Lake, Lake County, Indiana, including but not limited to, engineering fees & expenses, legal fees, publication costs, and the like. These costs shall be paid to the Town at the time of consideration of a Primary or Final Plat, or when any administrative or Plan Commission review and/or approval is required or necessary by a Subdivider, Developer, or Owner of any Lots directly benefiting therefrom.

SECTION 15: Responsibility for Maintenance Costs.

All subdividers which have responsibility for, or shall to the Town's satisfaction provide for continuing maintenance for all areas dedicated for common usage within the subdivision: such as ponds, and such improvements not otherwise dedicated to and accepted by the Town as a park.

TITLE VII – ADMINISTRATION

SECTION 1: Inspection.

(as amended March 6, 2007 by Ordinance No. 992)

When the plans of streets and other improvements have been approved as provided in this Subdivision Control Ordinance, as amended from time to time, the Subdivider shall first notify the designated Town Officials of the intention to proceed with the construction or installation of said streets and improvements. Notification shall be made at least Forty-Eight (48) hours before any such construction or installation shall commence so as to give the Town an opportunity to inspect the site prior to commencement of work and to inspect installation or construction of said streets and improvements during the course of work being performed. In order to defray the costs incurred by the Town in inspecting the installation of the improvements required by this Subdivision Control Ordinance, as amended from time to time, the Subdivider shall, before proceeding, with any construction or installation, present a certified check or money order made payable to the Town in an amount equal to Three (3%) Percent of the cost of the improvements, as estimated by the Town Engineer. In the event the Three (3%) Percent amount paid by the Subdivider to the Town does not cover all costs of inspection of the improvements and streets required herein, the Subdivider shall pay said additional sum to the Town upon receipt of notice of the additional amount due, which payment shall be made before the issuance of any required Permits to the Subdivider for the Subdivision.

- A. The Inspector will keep a daily record of improvements and inspection and shall notify the Plan Commission of any changes in the approved Subdivision.
- B. The Subdivider will have a period of one (1) year from the date of approval to start improvements. In the event the Subdivider does not start improvements within that period the Plan Commission shall review the Subdivision approval.

SECTION 2: Maintenance.

Prior to the acceptance by the Town of any improvements, as hereinafter provided, the Subdivider shall post a Maintenance Bond and/or other security naming the Town as Obligee in an amount deemed adequate by the Town to insure maintenance of said improvements. The Maintenance Bond shall be for a term of three (3) years from the date of formal acceptance of the streets and improvements by the Town, and shall be Twenty-Five (25%) percent of the estimated cost of the streets and improvements, as determined by the Plan Commission. In the event all of the accepted streets and improvements are in satisfactory and/or acceptable condition to the Town, the Maintenance Bond will be released. In the event the accepted streets and improvements are not in satisfactory and/or acceptable condition to the Town at the end of three (3) year

terms, the Subdivider shall be notified in writing of the conditions and directed to take the designated corrective measure. If the Subdivider does not take the designated corrective measures, or does so in a manner not acceptable to the Town, or in a manner which does not meet the standards and requirements of the Town, the Town shall take all necessary action regarding the conditions, including utilizing, but not limited to using, the Maintenance Bond to pay for the costs and expenses incurred by the Town. The Town shall utilize the standards established by the State of Indiana Department of Highways as the basis of determination of acceptance of streets and improvements, as recommended by the Town Engineer. The Maintenance Bond shall be required to continue in full force and effect until a Certificate of Release is issued by the Town.

SECTION 3: Bond Provisions/Requirements.

Any bond called for forfeiture by the Town shall include not only the full value of the bond, but also all expenses of the Town, including but not limited to reasonable attorney's fees. There will be an annual review of all bonds by the duly designated Town Officials or Town Staff.

SECTION 4: Acceptance.

The following section was amended, passed, and adopted by the Town Council of the Town of Cedar Lake, on August 21, 2007, as Ordinance No. 1018

After streets and improvements have been installed and constructed pursuant to the requirements contained in this Subdivision Control Ordinance, as amended from time to time, the Subdivider shall notify the appropriate Town Officials that the construction or installation has been completed, and shall supply the Town with a minimum of five (5) copies of As-Built Plans on which the streets or improvement in question will be shown as constructed or installed. The five (5) of the As-Built Plans shall show the plan, together with the signature approvals of all Agencies and individuals approving the same, and shall contain a notice thereon as to where and when the plat was recorded in the Office of the County Recorder. The five (5) As-Built Plans shall further be certified by an Engineer registered in the State of Indiana. Additionally, the Subdivider shall submit to the Town, prior to acceptance by the Town, a digital (electronic) version of the As-Built Plans in a format acceptable to the Town.

All As-Built Plans specified in this Ordinance shall be conform to the standards and specifications set forth in the "Cedar Lake As-Built Submittal Requirements", as attached hereto, and identified as an Addendum to the Town Subdivision Control Ordinance.

The portion of the street improvement which the Subdivider seeks to have the Town accept shall be shaded, colored, or clearly designated on each of the five (5) copies. The As-Built Plans shall also be clearly designate the number of lineal feet of the streets and/or improvements which the Subdivider seeks to be accepted by the Town.

SECTION 5: Permits.

No excavating, foundations or buildings shall be commenced without first obtaining the required Building permits. No permits shall be issued without the required Subdivision improvements, as required by this Subdivision control Ordinance, as amended from time to time. No Building/Zoning permit shall be issued without a proper plat of survey, certified by a Professional Engineer, showing all the dimensions for the applicable building setback requirements, pursuant to the Town Zoning Ordinance, as amended from time to time.

SECTION 6: Occupancy.

No persons shall occupy any structure prior to receiving the proper Occupancy Permits. All Occupancy Permits are subject to all Federal, State, and Local regulations (i.e. Building Codes); including, but not limited to the following: Final lot grading in accordance with the Subdivision engineering design elevations; proper gutter, downspout and drainage design; hard surface coat on driveway; completion of sidewalks and entrance walkways, if applicable; stairways and appropriate railings to all outside entrances; posting of address with three (3") inch contrasting numeral; etc.

SECTION 7: Appeals.

Any decision or requirement of the Plan Commission made pursuant to the terms and provisions of this Subdivision Control Ordinance, as amended from time to time, is subject to the right of appeal and review by certiorari.

SECTION 8: Validity.

In the event any provision of this Subdivision Control Ordinance, as amended from time to time, be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the Subdivision Control Ordinance, as amended from time to time, as a whole or of any other provisions thereof.

SECTION 9: Penalties.

Nothing herein shall prevent the Town of Cedar Lake, Lake County, Indiana, from taking such lawful action as is permitted under the Laws of the State of Indiana to prevent, remedy or correct any violation of this Subdivision Control Ordinance, as amended from time to time. All costs, including reasonable Attorneys fees, incurred by the Town, regarding enforcement of this Subdivision Control Ordinance to prevent, remedy or correct any violation shall accrue to the person or persons responsible thereof.

Any person or corporation, whether as principal, agent, employee or otherwise, who violates any of the provisions of this Subdivision Control Ordinance, as amended from time to time, shall be subject to fines and penalties, which fines and penalties shall be not less that Twenty-Five (\$25.00) Dollars and not more than Two Thousand Five Hundred (\$2,500.00) Dollars for each offense, with such fine to inure to the Town. Each day of the existence of any violation shall be deemed to constitute a separate offense.

The use and development of any land or development which is continued, operated or maintained contrary to any of the provisions of this Subdivision Control Ordinance, is hereby declared to be a violation of this Subdivision Control Ordinance and unlawful. The Town Attorney shall, immediately upon any such violation having been called to his attention, institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violation. Such action may be instituted by any property owner also who may be especially damaged by any violation of this Subdivision Control Ordinance, as amended from time to time.

The remedy provided for herein shall be a cumulative and not exclusive and shall be in addition to any other remedies provided by law.

TITLE VIII – REPEAL OF CONFLICTING ORDINANCES

Subdivision Control Ordinance Number 280, all amendments thereto, and all Ordinances or parts of Ordinances in conflict with the Subdivision Control Ordinance, or inconsistent with the provisions of this Subdivision Control Ordinance, are hereby repealed to the extent necessary to give this Subdivision Control Ordinance full force and effect.

This Subdivision Control Ordinance shall take effect upon its passage and approval by the Town Council of the Town of Cedar Lake, Lake County, Indiana.

TITLE IX – PRINTING AND PUBLICATION

This Subdivision Control Ordinance shall be printed and published by Order of the Town Council of the Town of Cedar Lake, Lake County, Indiana.

APPENDIX I – PLAT CERTIFICATION

The following forms shall be used in Final Plats:

CERTIFICATES

1. UNDER THE AUTHORITY PROVIDED BY INDIANA CODE 36-7-4-700 (SEC. 700-799), AS AMENDED FROM TIME TO TIME, AND AN ORDINANCE ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE TOWN OF CEDAR LAKE AS FOLLOWS:

Approved by Town Plan Commission at a meeting held

_____ President _____

(SEAL) Secretary _____

2. Each Final Plat Submitted to the Plan Commission for approval shall carry a certificate signed by a registered Professional Engineer or Land Surveyor, licensed in compliance with the Laws of the State of Indiana, in substantially the following form: "I (name) hereby certify that I am a Professional Engineer (or Land Surveyor), licensed in compliance with the Laws of the State of Indiana; that this plat correctly represents a survey completed by me on (date); that all the monuments shown thereon actually exist; and that their location, size, type and materials are accurately shown."

(SEAL) (signature)

3. Each lot shall have a notation of minimum elevation, related to the United States Coast and Geodetic Survey Datum, below which elevation no entrance into any principal use structure shall be permitted. Prior to the issuance of any Certificate of Occupancy, The Town of Cedar Lake shall require written certification of compliance with said elevation by a Professional Land Surveyor, licensed in compliance with the Laws of the State of Indiana.

4. Each Plat shall additionally contain a Certification by a Certified Engineer that storm water design installation shall not damage the land being developed, as well as not damage the adjacent and downstream properties, by certification that should read substantially as follows:

"I, the undersigned, state that to the best of my knowledge and belief, the drainage of surface waters will not be changed by the construction of this Subdivision, or that if such surface water drainage will be changed, reasonable provision has been made for the collection and diversion of such surface waters into public areas or drains which the Subdivider has the right to use, and that such surface waters will be planned for in accordance with

generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of this Subdivision.”

5. Each Final Plat submitted to the Plan Commission for approval shall carry a Deed of dedication in substantially the following form:

“We, the undersigned, (names), owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the Plat herein.

This Subdivision shall be known and designated as (name), an addition to (name). All streets, alleys and easements shown and not heretofore dedicated, are hereby dedicated, to the Town of Cedar Lake, Lake County, Indiana.

Front and side yard building set-back lines are hereby established as shown on this Plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure. There are strips of ground (number) feet in width as shown on this Plat and marked “Easement”, reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the Easements herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this Subdivision shall take their titles subject to the rights of public utilities.”

(Additional dedications and protective covenants or private restrictions would be inserted here upon the Subdivider’s initiative or the recommendation of the Plan Commission; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum floor area.)

Where covenants or restrictions are inserted into any Plat, they shall provide that invalidation of any one of the same by judgment or Court Order shall in no way affect any of the other covenants or restrictions which shall remain in full force and effect. The covenants and restrictions shall further provide the right to enforce those provisions by injunction, together with the right to cause removal, by due process of law, of any structure of part thereof erected or maintained in violation thereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in said Subdivision and to their heirs and assigns.

ACKNOWLEDGMENT

Each Final Plat submitted to the Plan Commission for approval shall carry an acknowledgement in substantially the following form:

STATE OF INDIANA)
) SS:
TOWN OF CEDAR LAKE)

Before me, the undersigned Notary Public, in and for the County and State, personally appeared (name), (name), and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed. Witness my hand and Notarial Seal this _____ day of _____, 20____.

(name) Notary Public

Resident of _____ County

Commission Expires: _____.