

Part IV
Article XXVII

SUBDIVISION REGULATIONS

Section 2700 Policy and Purpose

A. POLICY

It is the policy of the City of Valparaiso to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the regulations of the Zoning Ordinance of the City for the orderly, planned, efficient, and economical development of the city.

B. PURPOSES

These regulations are adopted for the following purposes:

- 1) To protect and provide for the public health, safety, and general welfare of the city.
- 2) To guide the future growth and development of the city in accordance with the Zoning Ordinance and Comprehensive Plan.
- 3) To provide for adequate light, air, privacy, safety from fire, flood, and other danger, and to prevent overcrowding of the land and undo congestion of population.
- 4) To protect the character and the social and economic stability of all parts of the city and to encourage orderly and beneficial development.
- 5) To protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- 6) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- 7) To provide the most beneficial relationship between the uses of land and buildings and circulation of traffic, having particular regard to avoid congestion in the streets and highways, and appropriate pedestrian traffic; and to provide for the proper location and width of streets and building lines.
- 8) To establish reasonable standards of design and procedures for subdivisions and replats of subdivisions for orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- 9) To insure that public facilities are available and have sufficient capacity to serve a proposed subdivision.

- 10) To prevent the pollution of air, streams, and ponds; to assure adequate drainage; to safeguard the water table; to encourage wise use and management of natural resources to preserve the integrity, stability, beauty, and value of the land.
- 11) To preserve the natural beauty and topography of the city and insure appropriate development with regard to these natural features.
- 12) To provide for open spaces, efficient design and layout, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the Zoning Ordinance.

Section 2710 Definitions

For the purpose of this Article, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense includes the future tense. Words in the singular number include the plural number and words in the plural number include the singular number. The word "shall" is always be mandatory and not merely directory. The term "person" shall mean an individual, partnership, corporation, or other association or their agents. Terms not herein defined shall have the meanings customarily assigned to them.

ALLEY: Any dedicated public way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

BLOCK: A tract of land bounded on all sides by any of the following:

- a. Streets
- b. Public Parks
- c. Railroad rights-of-way when located at or above ground level but not including sidings or spurs in the same ownership as the zoning lot..
- d. Corporate boundary lines of the City.

BOARD: The Valparaiso Board of Public Works and Safety.

BUILDING: A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or property. Tents, awnings, or vehicles situated on private property and used for purposes of building shall also be considered a building. When any portion of a structure is completely separated from every other part thereof by division walls from the ground up, and without openings, each such portion of such structure shall be deemed a separate building.

BUILDING LINE: A line established, in general, parallel to the front lot line or right-of-way line, beyond which no part of a building shall project except as provided by the Zoning Ordinance.

COMMISSION: The Valparaiso City Plan Commission.

COMPREHENSIVE PLAN: The Comprehensive Plan as adopted and amended by Ordinance of the City, including graphic and written proposals indicating the general location of streets,

parks, schools, public buildings and all physical development of the city, under the provisions of Section 36-7-4-500 of the Indiana Code.

DETENTION POND: A structure or area of land that is configured to temporarily store a portion of the runoff from a site. The basin has a discharge control structure that allows all of the stored runoff to drain away to a drainage course.

DEVELOPMENT PLAN: A written document between the City of Valparaiso and a developer (see Section 3520 for details)

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

LOT: A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for a purpose, whether immediate or future, of transfer of ownership or for building development.

MASTER DRAINAGE PLAN: The comprehensive drainage plan, as adopted and amended by the Board and Commission, which guides the Board and Commission in their decisions concerning storm water run-off.

OFFICIAL THOROUGHFARE PLAN: Development Plan for the City, now or hereafter adopted, which includes a major street and highway plan and sets forth the location, alignment, dimensions, identification and classification of existing and proposed streets, highways and other thoroughfares.

STREET, ARTERIAL: A street designated on the Official Thoroughfare Plan as "Arterial". Such streets are designated to carry large volumes of traffic. Certain arterial streets may be designated as Limited Access highway to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.

STREET, COLLECTOR: A street planned to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways for traffic to reach Arterial streets. Such streets are designated as "Collector Streets" on the Official Thoroughfare Plan.

STREET, LOCAL COLLECTOR: A local street lying within a subdivision which, although not shown as a collector on the Official Thoroughfare Plan, is built to collector specifications and standards at the request of the Commission.

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

SUBDIVIDER: A person engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in this Ordinance.

SUBDIVISION: The division of any parcel of land into two or more parcels, sites, lots, or other divisions of land any one of which is to be used for other than agricultural purposes; provided

however, that the following divisions of land shall not be considered as a subdivision under the terms of this Ordinance:

- 1) The division of a tract of land into two (2) parcels not involving the provision of any new streets; widening of existing streets; drainage plans and/or structures; easements for utilities or access; or streets, sidewalk or utility improvements, as required under the provisions of this Ordinance or under provisions as determined by the Board.
- 2) The division of land into parcels of ten (10) acres or more not involving the provision of any new streets; widening of existing streets; easements for utilities or access; or street, sidewalk or utility improvements as required under the provisions of this Ordinance or under standards as established by the Board.

Section 2715 Establishment of Control

No plat or replat of a subdivision of land located within the jurisdiction of the Commission shall be recorded until it has been approved by the Commission in accordance with the requirements set forth in Sections 2720, 2725, and 2730 and such approval has been entered in writing on the plat by the President and Executive Director.

Section 2720 Subdivision Application Procedure and Approval Process

Whenever any owner of land lying within the jurisdiction of the Commission desires to subdivide the same, the subdividing owner shall apply for and shall secure approval of such subdivision in accordance with the following procedures:

A. Application Procedure and Requirements

Prior to subdividing any land, an owner of the land or his representative shall submit a petition and attachments for a Primary Plat approval of subdivision plat. The application shall:

- 1) Be filed to the attention of the Executive Director at least thirty (30) days prior to the date of the next regularly scheduled Commission meeting.
- 2) Be made on forms available at the City Planner's Office.
- 3) Be signed by the subdivider, land owner of record, and a professional land surveyor, licensed to practice in the State of Indiana.
- 4) Be accompanied by a fee as set in the most recent City Ordinance.

B. Primary Plat Approval

1) Application and Procedure Requirements:

- a. An applicant for subdivision approval shall provide the Commission with 12 copies of the primary plat of the proposed subdivision. The Primary Plat shall indicate the manner in which the proposed subdivision is coordinated with the master drainage plan and the Comprehensive Plan, and shall specify how the proposed subdivision relates to the requirements of the Official Thoroughfare Plan, school and recreational sites, shopping centers, community facilities, sanitation, water supply and drainage, and other developments existing and proposed in the vicinity.
- b. The applicant shall also provide the Commission with the following information and documents for inclusion in the Development Plan:
 - i. A location map showing:

- the subdivision's name and location.
- any thoroughfares relating to the subdivision.
- existing elementary and high schools, parks, and playgrounds serving the area proposed to be subdivided and other community facilities.
- title, scale, north point and date.
- ii. A primary plat containing:
 - a soil map with interpretations for the planned use.
 - a general water management plan utilizing conservation measures to adequately handle the surface and sub-surface drainage, both on-site and off-site.
 - a soil stabilization plan for reducing to minimum erosion and sediment damage, both on- site and off-site.
- iii. A description of the protective covenants and private restrictions to be incorporated in the plat of the subdivision.

2) Contents of Primary Plat:

The primary plat shall conform to the requirements contained in Section 2725 of this Ordinance.

3) Referral to the Planning staff:

- a. The Executive Director shall refer the application and Primary Plat together with all other required documents to the Plan Commission, and Site Review Committee.
- b. The Planning staff shall review the application for technical conformity with the standards fixed in the Subdivision Regulations. The Planning staff may transmit the Primary Plat to appropriate officials of agencies of local government, schools, and special districts and other official bodies as it deems necessary for consideration and review.
- c. The Planning staff and Site Review Committee shall study the primary plat and reports of any other agency taking into consideration the requirements of the subdivision regulations and the best use of the land being subdivided. Particular attention will be given to the arrangement, location, and width of streets, the number of access points per lot, their relation to the topography of the land, sewage disposal, drainage, lot sizes and arrangements, the further development of adjoining lands as yet unsubdivided and requirements of the Comprehensive Plan.
- d. The Planning staff may schedule a field trip to the site of the proposed subdivision, accompanied by the applicant or his representative.
- e. The Planning staff will work with the developer to comply with the Development Plan requirements.
- f. The Planning staff shall within thirty (30) days after receipt announce the date for public hearing to be held on the Primary Plat and draft Development Plan.

4) Public Hearing:

The Plan Commission shall hold a public hearing on the Primary Plat and Development Plan. It shall give notice of the hearing in accordance with the rules of the Plan Commission then in force and pursuant to the terms of Indiana Code 5-3-1-1 through 5-3-1-9. It shall additionally give notice to all interested parties at least ten (10) days before the date set for hearing.

5) Field Trip:

The Plan Commission may schedule a field trip to the proposed subdivision, accompanied by the applicant or his representative.

6) Primary Plat and Plan Commission:

After the Plan Commission has received the Primary Plat and draft Development Plan, the report of the Planning staff, and any and all testimony and exhibits submitted at the Public Hearing, the Plan Commission shall determine if the primary plat complies with the standards set forth in this Ordinance, and if the Development Plan reflects these. If the Commission determines that the plat complies with the standards set forth in this Ordinance, it shall make a decision granting primary approval of the plat.

If the Plan Commission determines that the plat does not comply with the standards set forth in this Ordinance, or the Development Plan doesn't comply with Section 3520, it shall disapprove the plat in writing making written findings setting forth the Commission's reasons for the disapproval. Said decision shall be in writing and signed by the Executive Director of the Plan Commission and shall be provided to the applicant.

As a condition of primary approval of a plat, the Commission may specify in the Development Plan:

- a. The manner in which public ways shall be laid out, graded and improved.
- b. A provision for water, sewage, and other utility services.
- c. A provision for lot size, number and location.
- d. A provision for drainage design.
- e. A provision for other services as specified in the Subdivision Regulations.

The Commission shall approve or disapprove the Primary Plat and Development Plan within one hundred twenty (120) days after the Public Hearing has been adjourned or closed.

The approval of the Primary Plat and Development Plan shall be effective for a period of eighteen (18) months, at the end of which time Secondary Plat approval on the subdivision must have been obtained from the Plan Commission, or an extension of the Primary Plat approval be obtained from the Commission. Any plat not receiving Secondary approval within the period of time set forth herein shall be null and void and the applicant shall be required to submit a new Primary Plat for approval subject to all the new zoning restrictions and subdivision regulations.

C. Secondary Subdivision Plat

1) Application and Procedure Requirements:

Following the approval of the Primary plat, the applicant shall file with the Commission a Secondary Plat. The Secondary plat shall be presented to the Executive Director at least 14 days prior to the regular meeting of the Commission.

2) Secondary Approval

The Commission shall, within one hundred twenty (120) days after the receipt of the request for Secondary Plat approval, approve or disapprove the Secondary Plat. The action may come at any time after the Primary Plat approval.

If the Secondary Plat is approved by the Commission the original plat shall be signed by both the Executive Director and the Chairman, or presiding officer of the Commission. The signing shall only occur after the receipt of one of the following:

- a. A certificate from the City Engineer stating that:
 - i) All of the improvements and installations required under the approved construction drawings and existing ordinances have been properly installed and have been accepted by the Board, and
 - ii) that an appropriate surety guaranteeing the workmanship and material for a period of one (1) year from the date of final acceptance has also been received and approved by the Board.
- b. A certificate from the City Engineer stating that the Board has accepted appropriate surety from the developer guaranteeing the construction and installation of the improvements required under the approved construction drawings and existing ordinances and guaranteeing all workmanship and material for a period of one (1) year from the date of final acceptance of the improvements by the Board.

D. Property Currently Subject to an Annexation Petition

A property owner, who has a pending annexation petition before the City, may file an application to subdivide as provided in Section 2720. No secondary plat approval shall be sought or granted until the annexation process is completed. If the annexation petition is dismissed, withdrawn or denied, the subdivision application shall automatically be dismissed, unless a new annexation petition is filed with the City, which includes the property to be subdivided, and written request is made by the property owner, within 30 days of the annexation petition being dismissed, withdrawn or denied, requesting that the subdivision process continue.

Section 2725 Specifications for Documents to be Submitted

PRIMARY PLAT

A. General

The Primary Plat shall be prepared, signed, and sealed by a professional land surveyor licensed to practice in the State of Indiana. The plat may consist of more than one sheet and shall be drawn to a scale not less than one inch equals 100 feet. The resulting plat shall be clear and legible and shall be no greater than 36 inches in its shortest dimension.

B. Features

The Primary Plat shall show the following:

1. Proposed name of the subdivision.
2. Names and addresses of the owner of record, the subdivider, the land planning consultant, and the professional Land Surveyor who prepared the plan.
3. Streets and rights-of-way, adjoining the site of the proposed subdivision, showing the street names and including road-way widths, approximate gradients, types and widths of pavement, curbs, sidewalks, crosswalks, and tree plantings.
4. Easement locations, widths and purposes.
5. The type, location and approximate size of capacity of improvements to be installed as required by Section 2730 of this Ordinance.
6. Layout of lots, showing scaled dimensions.
7. Parcels of land, proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public, or community purposes.
8. Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of five (5) feet if the general slope is greater than ten percent (10%). The topography shall extend beyond the boundary of the applicant's site a distance sufficient to show the slope and character of the lands adjacent but in no case less than 50 feet.
9. Ground water levels stated in depth to water table and a general description of the surface and subsurface drainage systems to an approved outlet.
10. Tract boundary lines showing dimensions, bearings, angles, and references to section, township and range lines or corners.
11. Building lines.
12. Standard legend and notes.
13. Other features or conditions which would affect the subdivision favorably or adversely.
14. North point, date and scale.

SECONDARY PLAT:

A. General

The Secondary Plat shall be prepared, signed and sealed by a professional land surveyor licensed to practice in the State of Indiana (see required certification statement in Section 2740). The plat may consist of more than one sheet and shall be drawn at a scale of not less than one inch equals 100 feet. The resulting plat shall be clear and legible and shall be on sheets on larger than 24 inches by 36 inches.

After the plat is approved, all signatures obtained and the plat has been recorded with the Porter County Recorder's office, a clear, reproducible mylar of the recorded plat shall be provided to the Office of City Engineer. Building permits may not be issued until the plat is received by the Engineer. Whenever possible, the plat will also be provided on disc.

The Secondary Plat may include all or part of the land included in the Primary Plat. However, in the event that less than the entire Primary Plat is contained on the Secondary Plat, the Commission may require certain assurances or guarantees or make adequate

provision including the filing of a performance bond to insure the orderly development of the remaining sections of the Primary Plat.

B. Features

The Secondary Plat shall show the following:

1. Holder of title to the land as shown by the last entry in the books of the County Recorder.
2. The boundary lines of the subdivision tract with accurate distances and bearings and the exact location of all existing and recorded streets intersecting the boundary of the tract.
3. Angles of true bearings and distances to the nearest established street line or existing official monuments.
4. An accurate metes and bounds description of the tract and its source of title as shown by records in the office of the County Recorder.
5. Street names approved by the City Engineering Office.
6. The length of all arcs and radii, center angles, internal angles, points of curvature and tangency, the length of all tangents, and the distance of nearest lot corners from points of curve and points of tangent.
7. All easements for rights-of-way for public services and utilities and any limitations on such easements.
8. Lot numbers and dimensions.
9. Location, type, materials and size of all monuments and lot markers.
10. The accurate outline of all property which is offered for dedication for public use with the purpose thereof indicated, and all property that may be reserved by deed covenant or restricted for the common use of property owners of the subdivision.
11. Building limitations due to soil conditions, and drainage.
12. Building line locations and dimensions.
13. Restrictions of all types which run with the land.
14. Name of subdivision.
15. Name and address of subdivider.
16. North point, scale and date.
17. Certification by a professional land surveyor registered to practice in the State of Indiana.
18. House numbers.
19. Certificate of approval by the Commission
20. Certificate of approval by the Board.
21. The acreage of each lot.
22. Reference to the recordation of the boundary survey.
23. Reference to the recordation of any Covenants and Restrictions and/or Property Owners Association documents.

Section 2730 Standards of Design

A. PLATS

The Primary and Secondary Plats for a proposed subdivision shall be prepared under the direction and responsibility of a professional land surveyor licensed under the laws of the State of Indiana. The plats shall conform to the standards of design as prescribed in this section, the Zoning Ordinance, and Ordinance 18, 1974 (as amended) entitled "An Ordinance Providing Standards for Acceptance of Municipal Improvements" thereafter referred to as the "Standards," and any other applicable ordinances in effect at the time of application.

B. GENERAL IMPROVEMENTS - Land Character

The design of the subdivision shall recognize and incorporate, where possible, the natural and man-made characteristics of the land both on the site and adjacent to the site. Areas with unique features such as mature trees, wetlands, scenic watercourses, or aesthetic vistas shall be preserved and shall have those features incorporated into the subdivision plan.

Lands, or portions of lands, which the Plan Commission finds to unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other reason or feature which may be harmful to the health, safety and general welfare of the present or future inhabitants of the subdivision shall not be subdivided or developed unless adequate provisions are made by the developer and approved by the Plan Commission to remedy and/or control the problems created by the unsuitable conditions. If the conditions cannot be remediated, those lands, or portions of lands, shall be set aside and allowed to remain undeveloped.

C. STREETS

Streets, which provide access to the subdivision shall be connected to existing public streets at locations which will not create sight distance problems on the existing streets or interfere with the safe operation of existing intersections.

Streets, which provide access to the subdivision from existing Collector or Arterial streets shall have the connecting intersections designed so as to minimize interruption of the flow of traffic on those Collector and/or Arterial streets. At a minimum, passing blisters and deceleration tapers shall be provided on the Collector or Arterial streets. Streets exiting the subdivision onto Collector or Arterial streets shall have appropriate turn lanes to minimize the delay of vehicles entering the major street.

Subdivisions with 30 or more lots shall have at least two access points to/from existing roadways. Those access points shall be located as far apart as practical.

The street layout of the subdivision shall provide access to all building sites and parcels.

Streets shall be adjusted to the contours of the land so as to produce useable lots and streets with reasonable gradients (slopes).

Certain appropriate streets shall be extended to the boundaries of the subdivision to provide for future connections to other properties.

Street alignment within the subdivision shall utilize curves, islands, intersections, and/or other methods that allow adequate access but discourage speeding.

Wherever streets have been dedicated or platted on the adjacent properties for extension into or through the proposed subdivision then those streets shall be incorporated into the street layout of the proposed subdivision.

Wherever there exists a portion of a dedicated or platted street or alley adjacent to the proposed subdivision the remainder of the street or alley shall be platted to the prescribed width in the proposed subdivision.

Width of street and/or alley pavements shall conform to the widths specified in the Standards, and widths of rights-of-way shall conform to the widths specified in the Standards, this ordinance, and/or the Thoroughfare Plan.

Streets and/or alleys shall be designed and constructed, wherever possible, as public streets and/or alleys. The use of private streets and/or alleys shall be minimized.

Cul-de-sacs shall not be permitted except in unique or hardship circumstances.

Half width streets may be permitted only when a subdivision is located adjacent to a Collector or arterial street whose exact location is shown on the Thoroughfare Plan, and the subdivider does not have title to the other half of the proposed street. If possible, the Collector or Arterial street shall be curved into the proposed subdivision and made a part of the subdivision's street layout in order to avoid the platting and construction of a half width street.

All streets shall be constructed with curb and gutter except as provided for in the Standards. Consideration should be given to the possible need for traffic signal installations at certain intersections. If it is likely that a signal will be required either in total or in part because of the development either at present or in the future, the developer shall pay for his appropriate share of the design and installation costs for that signal. The developer shall negotiate with the Board of Public Works and Safety as to the appropriate share required.

The subdivider shall pay the City for the installation of street names signs at each street intersection, and all regulatory (stop, yield, etc.) and advisory signs as determined by the Traffic and Safety Committee and affirmed by the Board.

D. SANITARY SEWERS

All subdivision lots shall be connected to sanitary sewers; septic systems shall not be permitted.

Where required by the Plan Commission and/or Board, sanitary sewers shall be designed and constructed to provide for future extensions into adjacent properties. This may mean that they have to be oversized and/or constructed at a greater depth than that required for the proposed subdivision alone.

Combined sewers shall not be permitted.

All sanitary sewers shall be designed and constructed to be public sewers. Private sewers shall not be allowed.

The use of sanitary lift stations shall be avoided wherever possible. Where permitted by the Commission and Board, the lift stations shall be designed and constructed to be public stations maintained by the City and to serve the total watershed that has potential to flow to that station. The stations shall be designed and constructed to allow ease of access for maintenance and shall have provisions for increasing the size of pumps, controls or other equipment when new developments add flow to the station.

The subdivider shall obtain a construction permit from the Indiana Department of Environmental Management before any sanitary sewers are constructed. Easements shall be provided for sewers not located within the rights-of-way of public streets. Easements shall not be less than 20 feet in width. Greater widths may be required where the depth of the sewer requires or where the effective width of the easement is decreased because of the proximity of buildings or other structures.

E. WATER DISTRIBUTION SYSTEM

All subdivisions shall be provided with a complete potable water distribution system adequate to serve the each lot and parcel. The system shall be extended from the existing City of Valparaiso system and shall be designed and constructed to provide for future extensions to adjacent properties.

Fire hydrants shall be constructed as a part of the subdivision's water distribution system. Locations of hydrants shall be determined by the Valparaiso Fire Department.

All design and construction of water distribution systems shall be per the policies and procedures of the Valparaiso Water Department and shall meet their requirements and standards. The subdivider shall obtain a construction permit from the Indiana Department of Environmental Management before any water mains are constructed.

F. DRAINAGE

The subdivider shall provide a storm drainage system designed and constructed according to the requirements of the Standards and the Requirements for Storm Drainage and Floodplains in the Zoning Ordinance.

All lots shall be designed to provide positive drainage away from the houses and towards the streets and/or towards the drainage swales and ditches

If a detention facility is approved as a part of the subdivision's drainage system the subdivider shall designate ownership of the land and provide an acceptable agreement for maintenance of the facility in perpetuity. The agreement shall be made a part of the restrictive covenants along with any documents establishing a Property Owners' Association for the subdivision and those documents shall be recorded along with the Secondary Plat.

G. UTILITIES

The subdivider shall provide electric, telephone, natural gas, and cable television to all building sites in the subdivision.

All utilities shall be underground.

Easements for the various utilities shall be provided along front, rear or side lot lines as required by the utility providing service.

When the utilities are located in the rear of the lots, side yard easements may be required by the Board for purposes of constructing electric service lines for streetlights at the street.

H. SIDEWALKS

Portland cement concrete sidewalks shall be constructed along both sides of all streets, existing and proposed, in the subdivision. Walks shall be constructed according to the requirements of the Standards.

I. LOTS

All lots shall abut a public street. The minimum lot frontage along the right-of-way line shall not be less than 24 feet.

Side lot lines shall be located approximately at right angles to street right-of-way lines and radially on curved streets. Some variation is permissible; however, irregularly shaped lots shall be avoided.

Double frontage lots shall not be platted except that, where desired along an arterial street. Lots may front on the interior street but have no access to the arterial street. In the instances where double frontage lots are allowed, an effective, evergreen planting barrier to screen the rear of the lots shall be provided.

The lots shall meet all area and size requirements of the zoning district within which the lots are located.

The depth of a lot shall generally be approximately two times the width and shall not be greater than three times the width.

Corner lots shall be large enough to permit the required front yard setbacks from both streets.

J. BLOCKS

Blocks shall not exceed thirteen hundred (1300) feet in length as measured from centerline of street to centerline of street.

Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth to be platted back to back between parallel streets. Exceptions shall be allowed where a tier of lots abuts a railroad, a limited access highway, an arterial street, a park, a wetland, a boundary of the subdivision or similar item.

K. PARKS AND RECREATION AREAS

Any subdivision with 10 to 50 living units shall provide an open space recreation area of a size not less than .5 acre. Additional recreation space shall be provided at a rate of .01 acre

per living unit for any additional units over 50. The opens space recreation area shall be usable and accessible to the residents of the subdivision. Detention basins may be used in part for the recreation area requirement but only if the basins are designed appropriately for that recreation purpose. The open space recreation areas may be:

- a. An area owned and maintained by the Property Owners' Association; or
- b. With the consent of the City Park Department, an area dedicated to the public for Park Department uses and purposes.

If neither (a) nor (b) are feasible, the subdivider may agree to pay to the City, for park and recreation purposes, an amount equal to the value of the acreage involved.

If the open space recreation area is provided under (a) above, then the site shall be developed by the subdivider in a manner consistent with the intended purposes of the space.

L. SCHOOLS AND FACILITIES

Where sites for schools and other public facilities as shown in the Comprehensive Plan or Master Drainage Plan are within the proposed subdivision, the Commission may request their reservation for period of thirty (30) days following the approval of the Primary Plat. If the governmental agency connected with the proposed site fails to express intent, in writing, to acquire said site within the 30 days, the subdivider shall be released from any obligation to reserve said site. If the governmental agency does express intent in writing to acquire and subsequently fails to take action toward acquisition within one (1) year of the date of the approval of the Primary Plat, the subdivider shall be released from any obligation to reserve said site.

M. MISCELLANEOUS

The subdivider shall plant on each lot not less than two hardwood trees of not less than two-inch caliper. At least one of the trees shall be placed in the parkway between the sidewalk and the curb. Trees shall be of a variety other than those on the exempt list in the Article XXXI of the City Zoning Ordinance.

Easements shall be platted at all street right-of-way intersections to provide for the required sight lines across the corners of the lots.

N. SURVEY MONUMENTS AND MARKERS

Acceptable monuments/markers shall be:

- a. In non-pavement areas: galvanized steel or iron pipe with surveyor identification cap and not less than 5/8 inch in diameter and 30 inches in length.
- b. In pavement areas: Per A, immediately above or railroad spikes with a punch or cross mark at the point to be marked.

Markers shall be placed at:

1. All corners and bends in the subdivision boundary angles in the boundary line of survey.
2. The intersections of lot side lines and right-of-way lines.
3. All bends in lot side lines.
4. All bends in rear lot lines except where the rear lot lines are also right-of-way lines.

5. All corners, intersections, points of curve (P.C.), and points of tangency (P.T.) in all street (right-of-way) centerlines. Points set under this paragraph shall be set only after the pavement binder or finished surface is in place.

The Secondary Plat shall show the type, character, and location of all markers found and/or to be set per this section.

Section 2732 Amending a Subdivision Plat

All subdivisions shall be developed as delineated on the approved Secondary Plat and Development Plan as recorded. All recorded documents and amendments shall be binding on applicants, their successors, grantees, and assigns, and shall limit and control the use of the subdivided land and location of structures. After all plats and documents have been recorded, any major amendments to the subdivision will require a public hearing and approval by the Plan Commission. Any minor amendments will require approval by the Plan Commission. Both major and minor approved amendments shall be recorded with the Porter County Recorder.

1. Major amendment - any change that alters the concept, uses, or intent of the subdivision including increase in density, increase in height of buildings, reduction of open space, changes in sequence of development, changes in road/street standards, and/or changes in covenants and/or the approved Development Plan.
2. Minor amendment - any change that does not alter the concept or intent of the subdivision or the Development Plan and is not defined as a major amendment.

Section 2735 Variance

- A. Where the Plan Commission finds that the strict compliance with the terms of this Ordinance would cause unnecessary hardship or practical difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage or other physical features of the site, and the Commission further finds that the purposes of this Ordinance may be served by an alternative proposal, it may approve variances modifying the minimum requirements of this Ordinance, so that substantial justice may be done and public interest protected.
- B. No such variance shall be granted if the granting of the variance will be detrimental to the public safety, health or welfare, or injurious to other property or if it would have the effect of nullifying the intent and purpose of the Zoning Ordinance, the Comprehensive Plan or these regulations.
- E. In approving variances, the Plan Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.
- F. A petition for any such variance shall be submitted in writing by the subdivider at the time when the application for subdivision approval is filed for the consideration of the Plan Commission and all of the facts relied on by Petitioner.

Section 2740 Plat Certification and Deed of Dedication

The following forms shall be used on all Secondary plats:

A. Plan Commission Certificate

Under authority provided by Indiana Code 36-7-4-etc. enacted by the General Assembly of the State of Indiana and Ordinance adopted by the Common Council of the City of Valparaiso, this plat was given approval by the City as follows:

Approved by the Valparaiso Plan Commission at a regular meeting held on _____, 200_.

Valparaiso Plan Commission

President

Executive Director

B. Surveyors Certificate

I, _____, hereby certify that I am a Land Surveyor Licensed in compliance with the laws of the State of Indiana, and that to the best of my knowledge, this plat conforms to the Requirements of Part IV, Article XXVII of the City of Valparaiso Zoning Ordinance, and Ordinance No. 18, 1974, as amended; that the markers and monuments shown on the plat actually exist; and that their location, size, type and material are accurately shown.

C. Deed of Dedication

We, the undersigned _____ owners of the real estate shown and described herein, do hereby certify that we have laid off plat and subdivided said real estate in accordance with the attached plat. This subdivision shall be known and designated as _____. All streets and alleys shown and not heretofore dedicated are hereby dedicated to the public. Front and side yard building setback lines are hereby established as shown on this plat. There are strips of ground _____ feet in width as shown on this plat and marked "easement", reserved for the use of public utilities for the installation of mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement 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 the public utilities and to the rights of the owners of other lots in this subdivision.

(Additional dedications and protective covenants or private restrictions would be inserted here; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area).

(If Covenants and Restrictions are listed on the plat, then the following paragraph shall follow):

The foregoing covenants, or restrictions, are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20__, (twenty-five year period), at which time said covenants or restrictions shall be automatically extended for successive periods of ten (10) years unless by vote of a majority of the then owners of the building sites covered by these covenants or restrictions it is agreed to change such covenants or restrictions in whole or in part. Invalidation of any one of the foregoing covenants or restrictions 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 right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public and reserved to the several owners of the several lots in this subdivision and their heirs and assigns.

Witness our Hands and Seals this _____ day of _____ 200__.

STATE OF INDIANA)
) SS:
COUNTY OF PORTER)

Before me, a Notary Public, in and for the said County and State, personally appeared _____ and acknowledged the execution of the foregoing as his voluntary act and deed on this _____ day of _____, 200__.

Notary Public

Printed Name

My Commission Expires:_____

D. Board of Public Works and Safety Certification

Under the authority of Ordinance 18, 1974, as amended, the plan was examined by the Board of Public Works and Safety of the City of Valparaiso and approved this _____ day of _____ 200__.

David A. Butterfield, Mayor

ATTEST: David Pilz, member
John Howell, member
Sharon M. Swihart Clerk-Treasurer

Section 2745

Validity and Severability

This Article and the various sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any section, paragraph or clause is adjudged to be unconstitutional or invalid, it is hereby provided that the remainder of Article XXVII shall not be affected thereby.

Section 2750 Conflicting Provisions Repealed

All Ordinances and/or parts of Ordinances in conflict with this Article XXVII are hereby and expressly repealed. That portion of the document designated as the Valparaiso Zoning Ordinance and entitled "Subdivision Regulations" is hereby expressly repealed in its entirety.