

## CHAPTER 156 SUBDIVISION CONTROL

### ARTICLE I: GENERAL PROVISIONS

#### 156.01 SHORT TITLE.

This chapter and any amendments to it shall be known and cited as the Subdivision Control Standards of the Town of Bremen, Indiana. General Provisions for this chapter are contained in Sections 156.02 through 156.12.

#### 156.02 PURPOSE.

The purpose of this chapter is to provide minimum rules, regulations and standards in order to achieve orderly development in the town through land subdivision and development; to promote the utilization of land to assure the residents of the town the best possible environment; to cause land subdivision and re-subdivision to be made in accordance with the Zoning Ordinances and Thoroughfare Plan of the town; to provide for the proper arrangement of streets in relation to other existing or planned streets; and to promote the health, safety, and general welfare of the town. This chapter shall be administered to ensure the orderly growth and development, the conservation, protection, and proper use of land by adequate provision for circulation, utilities and services.

#### 156.03 ADMINISTRATIVE AUTHORITY.

The Plan Commission of the Town of Bremen shall be the administrative agency for this Chapter.

#### 156.04 INTERPRETATION.

In interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of the citizens of the town.

#### 156.05 EFFECT OF JUDGMENTS.

If any court of competent jurisdiction shall rule invalid the application of any provision of this chapter, or amendments thereto, that judgment shall not effect the application of that provision to any other subdivision not specifically included in that judgment.

#### 156.06 APPLICABILITY.

This chapter shall apply to all land within the jurisdiction of the Town of Bremen as now, or hereinafter established and the area within the two mile zoning jurisdiction outside the town limits. The exception to this provision is that all lots in a recorded subdivision existing at the time of adoption of this Ordinance shall not be required to meet the regulations of this chapter.

#### 156.07 COMPLIANCE.

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

- (B) No lot shall be sold, nor shall an improvement location permit to erect any building or structure be issued, unless and until a final plat has been approved and recorded. In addition, the infrastructure and improvements required by the town in connection therewith shall be constructed, inspected and approved by the Building Commissioner, Town Engineer, Department Superintendent, or any other designated official, or the said infrastructure or improvements shall be guaranteed by posting a performance bond with the town for 100% of the cost of construction and installation prior to the approval of the final plat and the issuance of an improvement location permit for the property.

156.08 FINANCING OF INFRASTRUCTURE COSTS.

- (A) All infrastructure construction and dedication costs shall be financed by the person or organization developing the subdivision. The town and the municipal utility shall not finance or pay for any infrastructure construction or dedication costs without the Town Council's specific approval and order for such action.
- (B) Infrastructure oversizing in anticipation of future development outside of the subdivision may be financed by the town and/or the municipal utility upon order of the Town Council.

156.09 SUITABILITY FOR SUBDIVISION.

No land shall be subdivided for a residential use, if such land is considered by the Bremen Plan Commission to be unsuitable for such use by reason of flooding, improper drainage, unsuitability of the soil for conventional or modified septic systems on more than half the lots in the subdivision, or topography or other features harmful to the health, safety and welfare of possible residents or the community as a whole. The septic suitability of the soil shall be determined by the Marshall County Health Department, and a written report of their recommendations shall guide the Plan Commission's decision on suitability of septic for the subdivision.

156.10 CONFORMANCE TO MASTER PLAN.

The subdivision shall conform to the Master Plan, Zoning Ordinances and Thoroughfare Plan of the Town of Bremen, and shall not encroach upon areas designated in the Master or Thoroughfare Plan for public facilities.

156.11 PROVISION FOR FUTURE SUBDIVISION.

If a tract of land is subdivided into larger parcels than ordinary residential building lots, such parcels shall be arranged as to allow the opening for future streets and logical further subdivision.

156.12 VARIATIONS AND EXCEPTIONS.

Variations and exceptions from the design and dimensional standards and improvement requirements of these regulations may be made by the Plan Commission in cases where owing to exceptional conditions, there are extreme difficulties or hardships in the way of carrying out the strict letter of these regulations.

PROCEDURES FOR SUBDIVISION APPROVAL.

156.20 APPLICATION PROCEDURES FOR SUBDIVISION APPROVAL.

A subdivider desiring approval of a subdivision plat of any land lying within the jurisdiction of the Town of Bremen, shall submit a written application to the Plan Commission. The application shall be accompanied by an application fee in a certified check or money order in the amount of twenty dollars (\$20.00) plus one dollar (\$1.00) for each lot in the proposed subdivision, to be deposited at the Clerk/Treasurer's office.

156.21 PRELIMINARY PLAT FOR SUBDIVISION.

A preliminary plat of every subdivision is required. Four (4) copies of the preliminary plat drawings shall be submitted to the Plan Commission no less than thirty (30) working days prior to the date of the public hearing on the proposed subdivision. The preliminary plat shall contain the following information:

- (A) The proposed name of the subdivision and names of streets therein which shall not duplicate or closely approximate the name of any other subdivision or streets in the jurisdiction of the town.
- (B) Names and addresses of the owner, subdivider, and the planner, engineer or surveyor who prepared the plan.
- (C) North arrow and graphic scale; The preliminary plat drawing shall be drawn to a scale of fifty (50) feet to one (1) inch, or one hundred (100) feet to one inch; provided however, that if the resulting drawing would be over twenty-four (24) inches in the longest dimension and eighteen (18) inches is the shortest dimension, a scale recommended by the Commission may be used.
- (D) Boundary line of proposed subdivision, and location and dimensions of all existing easements, and property lines.
- (E) Design drawings or specifications including profile and cross sections of the proposed streets, including roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, crosswalks and storm drainage system.
- (F) Parcels to be dedicated for the public use, and a description of any infrastructure included in that parcel.
- (G) Existing topographic contours at vertical intervals of not less than two (2) feet.
- (H) Design drawings and specifications for all other infrastructure or improvements to be installed as required by Engineering Standards set out in Chapter 158. If developer intends to provide other than connection to municipal wastewater system, he shall justify his proposal in writing.
- (I) Ground water levels stated in inches below ground surface given at points of lowest ground elevation, and design drawings and specifications for storm drainage system including storm water run off and detention calculations.
- (J) Lot layout, dimension and area. Each lot shall be numbered
- (K) Building setback or front yard lines
- (L) Legend and notes
- (M) Other features or conditions that would affect the subdivision favorably or

adversely.

- (N) A copy of any Subdivision Covenants or Deed Restrictions to be incorporated into the plat of the subdivision shall be attached to the plat.
- (O) Site location map.
- (P) Erosion control plan if over one acres (as required by Soil Conservation Service).
- (Q) Legal description of property.
- (R) Source of title of the applicant to the land as shown by the last entry in the books of the County Recorder.

#### 156.22 PRELIMINARY PLAT REVIEW.

- (A) The Building Commissioner, Town Engineer, Town Attorney and Superintendents of Electric, Street, Water and Sanitation Departments shall review the preliminary plat information for conformity to the this Ordinance. These individuals, and any other designated officials requested by the Plan Commission, shall submit to the Plan Commission their recommendations regarding the conformity of the proposed subdivision to this Ordinance. Developer may submit data prior to submission of preliminary plat for guidance in design of the preliminary plat.
- (B) If the subdivision complies with the regulations of this chapter, the staff shall place the subdivision on the agenda of the first available meeting of the Commission for public hearing.

#### 156.23 PUBLIC HEARING NOTICE REQUIREMENTS.

- (A) The applicant is responsible for placing a legal notice twice, a week apart, in a local newspaper of general circulation with date of 1st publication at least fifteen (15) days prior to the public hearing, stating the time, place and date of the hearing, and a legal description and a common description of the location of the proposed subdivision. Notification shall be on a form as prescribed by the Commission and in a method prescribed by IC 5-3-1-2. The cost of the notice shall be responsibility of the applicant.
- (B) The applicant shall notify by direct mail all property owners within 300 feet of the edge of the subdivision of the time, place and date of the Commission hearing regarding the proposed subdivision.

#### 156.24 PLAN COMMISSION ACTION.

- (A) If, after the public hearing, the Commission finds that the subdivision complies with all the regulations set forth in this chapter, the Commission shall approve the subdivision with or without modifications, and make written findings of fact which shall include any modifications or conditions imposed.
- (B) If, after the public hearing, the Commission finds that the subdivision does not comply with the standards regarding subdivision approval, the Commission shall deny approval of the subdivision and make written findings of fact and decision which set forth its reasons for disapproval.

- (C) The approval of a preliminary plat shall be effective for a period of one (1) year unless, upon application of the subdivider, the Commission grants an extension of such approval. If the Final Plat on all or a portion of the tract in the preliminary plat has not been recorded within this time limit, the preliminary plat must be resubmitted to the Plan Commission for approval.

156.25 FINAL PLAT.

The Final Plat shall meet the following specifications:

- (A) The Final Plat may include all or part of the preliminary plat which has received approval.
- (B) The original drawing of the Final Plat of the subdivision shall be printed on mylar with a one (1) inch border used, and shall be drawn to a scale of fifty (50) feet to one (1) inch, provided that if the resulting drawing would be over twenty-four (24) inches in the longest dimension and eighteen (18) inches in the shortest dimension, a scale of one hundred (100) feet to one (1) inch may be use, provided the resulting drawing shall be on an 18" x 24" sheet.
- (C) The following basic information shall be shown:
- (1) Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in five thousand (5000) feet.
  - (2) Accurate distances and directions to the nearest established street corners or official monuments.
  - (3) Accurate locations of all existing and recorded streets intersecting at the boundary of the tract.
  - (4) Accurate metes and bounds description of the property.
  - (5) Source of title of the applicant to the land as shown by the last entry in the books of the County recorder.
  - (6) Street names, which do not closely approximate the names of other existing streets in the town.
  - (7) Mathematical curve data for all curves included in the plan.
  - (8) Street lines with accurate, center line bearings and distances in feet and hundredths of foot.
  - (9) Lot numbers dimensions and area.
  - (10) Accurate locations of easements for utilities and any limitations on such public, semi-public or community use.
  - (11) Accurate location and dimensions for any property to be dedicated or reserved for public, semi-public or community use.
  - (12) Building lines and dimensions.
  - (13) Location, type, material and size of all monuments and lot

markers.

- (14) Restrictions which will run with the land.
- (15) Name of the Subdivision.
- (16) Name and address of the owner of the subdivision.
- (17) North arrow, scale and date.
- (18) Note required, construction of sidewalk and curbs (within town limits)
- (19) Certification by a registered land surveyor.(as per form 1).
- (20) Certification of dedication of streets and other public property. (as per form 2).
- (21) Certificate for approval by the Commission. (as per form 3 and 3A).

156.26 PROCEDURES FOR FINAL PLAT APPROVAL.

- (A) Upon filing of the final plat the staff shall place the plat on the agenda of the first available meeting of the Plan Commission.
- (B) Public hearing is not required.
- (C)When the final plat is submitted to the Commission, it shall be accompanied by a one of the following:
  - (1) A certificate that all improvements and installations for the subdivision required for its approval have been made or installed in accordance with specifications, and such improvements have been inspected and approved by the duly authorized municipal official; or
  - (2) A surety bond which shall:
    - (a)Run to the Commission.
    - (b)Be in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with this Ordinance.
    - (c)Be with surety satisfactory to the Commission, and
    - (d)Specify the time for completion of the improvements and installations.
- (D) Upon completion of the improvements and installations required of a subdivider for the approval of a final plat, and prior to the acceptance thereof for public maintenance by the Commission or, if applicable, to any other governmental unit, the subdivider shall provide a three (3) year maintenance bond which shall:

- (1) Run to the Commission, and if applicable, to any other governmental unit having a legal responsibility for the maintenance of said improvements and installations.
- (2) Be in the amount equal to twenty percent (20%) of the cost of said improvements and installations as estimated by the Commission.
- (3) Provide surety satisfactory to the Commission.
- (4) Warrant the workmanship and all materials used in the construction, installation and completion of said improvements and installations to be of good quality and to have been constructed and completed in a workmanlike manner in accordance with the standards, specifications and requirements of this Ordinance and the satisfactory plans and specifications thereof.
- (5) Provide for that for a period of three (3) years after said installations and improvements have been completed or are accepted for public maintenance by any appropriate governmental unit or agency thereof, the subdivider will at his own expense make all repairs to said improvement or installations, or the foundations thereof, which may become necessary by reason of improper workmanship or materials. However, these repairs do not include damage resulting from forces beyond the control of said subdivider.

(E) Commission action.

- (1) If the Commission finds that the final plat, together with the modifications or conditions, complies with all regulations set forth in this chapter, the Commission shall approve the final plat, and shall affix its seal upon the plat, together with the certifying signature of its president or secretary (or the vice-president and/or assistant secretary). The staff shall then record the final plat.
- (2) If the Commission finds that the final plat together with the modifications or conditions does not comply with the regulations set forth in this chapter, the Commission shall deny approval of the final plat and make written findings of fact and decision which set forth its reasons for disapproval.

156.30 GENERAL REQUIREMENTS.

The Final Plat of a subdivision shall conform to the principals and standards in the Master Plan.

156.31 CONFORMANCE TO ZONING AND FLOOD PROTECTION REGULATION.

The subdivision shall conform to all provisions set forth in the Zoning Ordinance, and to all regulations as set forth in Flood Control Ordinance.

156.32 CONFORMANCE TO DESIGN STANDARDS.

All infrastructure design associated with subdivision development shall conform to the latest design standards adopted by the Town Council and incorporated into the

"Town of Bremen Construction and Design Standards".

156.33 STREETS.

- (A) All new streets shall conform to the guidelines specified in Thoroughfare Plan.
- (B) Street right-of-ways and pavement widths shall adhere to the appropriate classification under the definition of "streets," if the street is to become publicly owned.
- (C) The arrangement, character, extent, width, grade and location of all streets shall be correlated to existing and planned streets, existing topography, public convenience and safety, and in appropriate relation to the existing and proposed uses of land to be served by the streets.
- (D) No street shall have a name which duplicates or so closely approximates so to be confused with any existing street within the Town's jurisdictional limits, unless the new street is to be an extension of an existing street.
- (E) The minimum right-of-way for all streets or cul-de-sacs shall be as per Town of Bremen Construction Design Standards and shall not exceed six hundred (600) feet in length.
- (F) Intersections of more than two (2) streets at one point shall be avoided.
- (G) The street layout shall provide access to all lots within the subdivision, and where streets cross other streets, jogs shall not be created unless specifically approved by the Plan Commission.
- (H) Wherever there exists a dedicated or platted portion of a street adjacent to the proposed subdivision, the remainder of the street to the prescribed width shall be platted within the proposed subdivision.
- (I) Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the town and the surrounding areas.
- (J) Local streets are to be laid out so that their use by through traffic will be discouraged.
- (K) Streets are to be laid out such that logical and orderly development may occur, and to provide for the appropriate and efficient extension of utility services to the subdivision or adjoining areas.

156.34 BLOCKS.

- (A) Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where reverse frontage on an arterial street is required.
- (B) Blocks shall not exceed twelve hundred fifty (1250) feet in length, and shall have a minimum length of three hundred (300) feet.
- (C) In the event a block length exceeds one thousand (1000) feet, a crosswalk easement of at least ten (10) feet in width may be required near center and entirely across any block, should it be determined that pedestrian access is required. Crosswalks shall be constructed in accordance with standards as



adopted in the "Town of Bremen Construction Design Standards", and dedicated to the public use.

156.35 LOTS.

- (A) All lots shall abut on a public street.
- (B) All lots shall conform to the minimum regulations set forth in the Town Code.
- (C) Lots shall be numbered consecutively throughout the entire subdivision.
- (D) Corner residential lots shall be sufficiently wide to permit appropriate setbacks from both streets.
- (E) The depth to width ratio of the usable area of a lot shall be a maximum of three (3) to one (1).
- (F) Widths and areas of lots shall not be less than provided in Zoning Requirements for that district, however, if the subdivision does not have municipal sanitary sewer and/or water available, the lot area necessary to install a private water and/or sewage disposal system on the lot in accordance with the Marshall County Health Department regulations shall be come the required minimum lot area.

156.36 EASEMENTS.

- (A) Easements for utilities or access shall be provided. Such easements shall have a minimum width of twelve (12) feet, and where the easement is located along A lot line, the lot line shall be the center line of the easement. Easements shall be continuous to the street at the end of the block to connect with adjoining blocks in the shortest direct line.
- (B) Where a subdivision is traversed by a water course, drainage way, channel, or stream there shall be provided an adequate storm water easement or drainage right-of-way conforming substantially with such water course. Parallel streets may be required in connection therewith.

156.37 ALLEYS.

Alleys shall be discouraged in residential districts, but may be included in commercial and industrial areas where needed for loading, unloading or access purposes, and shall be at least sixteen (16) feet in width.

156.38 UTILITIES.

- (A) All utilities located in the public right-of-way shall conform to standards set forth in the "Town of Bremen Construction and Design Standards" .
- (B) All utilities in residential subdivisions, including electric, gas, water, sewer and communication infrastructure (telephone, cable television, etc.) shall be installed underground.

156.39 PUBLIC USE SPACES.

Wherever a park recreation area, school, playground, or other public uses are located within the subdivision area as shown on the Master Plan, the Commission

may request their dedication for such purposes, or their reservation for a period not to exceed three (3) years from the date of the recording of the Final Plat of the subdivision.

156.40 CONFORMANCE TO MUNICIPAL STANDARDS.

All improvements shall be constructed in conformance with the "Town of Bremen Construction and Design Standards", which is supplemental to this chapter.

156.41 CONTINUING AUTHORITY OF COMMISSION.

Subsequent to the passage of this Ordinance, the Commission may determine new sites and locations or alter or change existing sites and locations for schools, parks, or other public use areas within the jurisdiction of the Commission, and certify to the Town Council the amended or additional plan under the same procedure as established for the certification and approval of the Master Plan or Thoroughfare Plan.

**FORM 1            SURVEYORS CERTIFICATE**

"I, \_\_\_\_\_, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR,  
LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, THAT THIS  
PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME ON  
\_\_\_\_\_, THAT ALL THE MONUMENTS SHOWN THEREON ACTUALLY  
EXIST, AND THAT THE LOCATION, SIZE, TYPE AND MATERIAL OF SAID MONUMENTS ARE  
ACCURATELY SHOWN."

\_\_\_\_\_

(SEAL) Signature

**FORM 2            DEED OF DEDICATION**

Each final plat submitted to the commission for approval shall carry a deed of dedication in substantially the following form.

"We, the undersigned \_\_\_\_\_, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and to thereby lay off, plat and subdivide, said real estate in accordance with the within plat.

This subdivision shall be know and designated as \_\_\_\_\_, and addition to \_\_\_\_\_. All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

Front and side yard building 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 \_\_\_\_\_ feet in width as shown on this plat and marked "Easement", reserved for the use of utilities for the installation of water and sewer mains, surface drainage, 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 utilities.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative or upon the recommendation of the Commission. 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.)

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, 19\_\_, (a twenty-five (25) year period is suggested), at which time said covenants (or restrictions), shall be automatically extended for successive periods of ten (10) years unless changed by vote or a majority of the then owners of the building sites covered by these 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 to their heirs and assigns."

Witness our Hands and Seals this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

State of Indiana    )  
                                  )  
County of Marshall)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Before me the undersigned Notary Public, in and for the County and State, personally appeared \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Signature

**FORM 3 COMMISSION CERTIFICATE**

Under authority provided by Chapter 174 Acts of 1947, enacted by the general assembly of the State of Indiana and all acts amendatory thereto, and an ordinance adopted by the Board of Trustees of the Town of Bremen, Indian, this Plat was given approval as follows:

Approved by the Town of Bremen Plan Commission at a meeting held \_\_\_\_\_, 19\_\_.

TOWN OF BREMEN PLAN COMMISSION

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

(SEAL)

**FORM 3A**

When all or any part of a subdivision is located in the unincorporated area of the county, the following certificate shall be shown on the final plat:

COUNTY COMMISSIONERS CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 47, ACTS OF 1951, OF THE GENERAL ASSEMBLY, STATE OF INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS OF MARSHALL COUNTY, INDIANA, AT A MEETING HELD ON THE

\_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_ .

BOARD OF COUNTY COMMISSIONERS

ATTEST:

\_\_\_\_\_  
COUNTY AUDITOR

(SEAL)