

## CHAPTER 153: SUBDIVISIONS

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**GENERAL PROVISIONS**

**§ 153.001 SHORT TITLE.**

This chapter shall be known and may be cited as the “Hobart Subdivision Regulations”.  
(Prior Code, § 19-1) (Ord. 609, § 1)

**§ 153.002 DEFINITIONS.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

**ALLEY.** A public right-of-way which affords only a secondary means of access to abutting property and having a width of less than 30 feet.

**COMMISSION or PLAN COMMISSION.** The city’s Plan Commission.

**EASEMENT.** A grant by the property owner of the use of a strip of land by the public or by 1 or more persons for a specific purpose.

**JURISDICTION OF CITY’S PLAN COMMISSION.** The incorporated area of the city.

**LOT.** A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development and having its principal frontage upon a street or dedicated public way.

**MASTER PLAN.** The comprehensive plan or any portion thereof, prepared by the Plan Commission and adopted in accordance with state law, and acts amendatory thereto.

**STREET, COLLECTOR.** A street or highway which is intended to carry traffic from local streets to major arterial streets.

**STREET, LOCAL.** A street intended primarily to provide pedestrian and vehicular access to abutting properties.

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***STREET, MAJOR ARTERIAL.*** A street or highway used primarily for heavy traffic, as shown on the master plan map.

### ***SUBDIVISION.***

(1) The division of a lot, tract or parcel of land into 2 or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development, except that the following divisions of land shall not be considered subdivisions within the meaning of this chapter; provided, however, that, no new streets, roads or easements of access are involved:

(a) Divisions of land for agricultural purposes where the resulting parcels are 10 acres or larger in size;

(b) Divisions of land upon court order or by testamentary or interstate provisions;

(c) Transfer or exchange of land between adjoining land owners, if the transfer or exchange does not create additional building lots; and

(d) Replatting of lots within an existing approved and recorded subdivision plat to either increase the area of the lots by changing lot lines or create not more than 2 building lots;

(2) ***SUBDIVISION*** also includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the lands or territory divided.

(3) All divisions of land, including the above exceptions, numbered (1) through (5) inclusive, shall comply with the requirements of Chapter 154 of this code. (Prior Code, § 19-2) (Ord. 609, § 3; Ord. 780, § 1)

### **§ 153.003 PLAT FILING; PLAN COMMISSION APPROVAL PREREQUISITE TO RECORDATION.**

No plat or replat of a subdivision of land located within the territorial jurisdiction of the city's Plan Commission shall be filed with the Auditor and the Recorder shall not record any such plat, unless it has first been approved by the city's Plan Commission and a certification of the approval entered, in writing, on the face of the plat by the Plan Commission. (Prior Code, § 19-3) (Ord. 609, § 2)

### **§ 153.004 INFORMAL CONSULTATION WITH PLAN COMMISSION.**

(A) Before preparing the general plan of a subdivision, the subdivider should consult informally with the Plan Commission in order to become familiar with subdivision requirements, the relation of his or her property to existing conditions, future plans and community facilities, utilities and services.

(B) When consulted informally by subdividers, the Plan Commission should discourage the subdividing of land far in advance of the time that the land is likely to be needed for development. The Plan Commission should also discourage the subdividing of land that cannot be

efficiently served by public utilities, fire protection or other municipal services, that is subject to flooding or is topographically unsuitable for development or that for any other reason would be unwisely or prematurely subdivided. The Plan Commission should encourage the coordinated platting of adjacent small parcels of land and, to this end, the Commission may make sketch plans for such coordinated platting or may arrange meetings of the several owners of the small parcels of land or may carry out the intent of this section by other means as may be lawful and appropriate.

(Prior Code, § 19-4) (Ord. 609, § 4)

#### **§ 153.005 CONSULTATION WITH OTHER PARTIES.**

The subdivider should also consult with parties potentially interested in the development, such as mortgage, insurance and lending institutions, in order to reach, at this initial stage, a clear understanding of the market demand that should be served, suitability of the location of the proposed subdivision, the most advantageous general plan or arrangement of streets, lots and other features of the proposed development.

(Prior Code, § 19-5) (Ord. 609, § 4)

#### **§ 153.006 VARIANCES.**

(A) *Modifications permitted.* Where it can be shown in the case of a particular proposed subdivision that strict compliance with the requirements of this chapter would result in extraordinary or undue hardship to the subdivider or that these conditions would result in retarding the achievement of the objectives of this chapter, the Plan Commission may vary, modify or waive such requirements so that substantial justice may be done and the public interest secured. Any such determination shall be based fundamentally on a finding that unusual topographical or other exceptional conditions not caused by action of the subdivider require the variance, modification or waiver and that the granting thereof will not adversely affect the general public nor have the effect of nullifying the intent and purpose of this chapter or of the master plan.

(B) *Limitations.* In no case shall any variance, modification or waiver be more than the least needed to eliminate the extraordinary or undue hardship or to promote the achievement of the objectives of these regulations and, in no case, shall the variance, modification or waiver have the effect of reducing the traffic capacity of any major arterial or collector street and, in no case, shall it conflict with Chapter 154 of this code.

(C) *Conditions.* In granting variances, modifications or waivers, the Plan Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements so affected.

(Prior Code, § 19-6) (Ord. 609, § 8)

#### **§ 153.007 FEES.**

(A) *Required.* In order to cover the costs of examining plans, holding hearings and other expenses incidental to the approval of a subdivision, the subdivider shall pay a fee at the time of application for approval of a plat of subdivision. The fee shall be based upon the estimated number of lots created. At the time the final plat is submitted, the required fee will be recalculated

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on the basis of the actual number of lots created and an adjustment of the fee will be made, the subdivider to pay an additional amount or to receive a refund if the adjusted fee differs from the original fee paid. There shall be no refund of any portion of the fee should the subdivider fail to file a final plat of subdivision. If, because of the failure of the subdivider to file a final plat within the time permitted, it is necessary to resubmit a preliminary plat for tentative approval, the subdivider shall be required to pay, without credit for any fees previously paid, the fee currently in effect at the time of resubmission.

(B) *Amounts.* The fees for approval of a subdivision shall be computed from the amounts set out in the Fee Schedule of this code.

(C) *Fees in addition to other fees.* All fees established by this section are in addition to any sums paid to cover the costs of review of improvement plans and field inspection of construction as required under the provisions of [§ 153.082](#).

(D) *Disposition of fees.* All fees collected under the terms of this section shall be credited to the General Fund of the city.

(Prior Code, § 19-7) (Ord. 609, § 9; Ord. 789, § 1; Ord. 93-51, § 4)

### **§ 153.008 ENFORCEMENT OF CHAPTER.**

(A) The Plan Commission may institute a suit for injunction in the Circuit Court of the county to restrain a person or a governmental unit from violating the provisions of this chapter.

(B) The Plan Commission may also institute a suit for mandatory injunction directing a person or a governmental unit to remove a structure erected in violation of this chapter.

(Prior Code, § 19-8) (Ord. 609, § 10)

### **§ 153.009 EFFECT OF CHAPTER.**

This chapter is not intended to interfere with, abrogate or annul any other provision of this code, city ordinance, regulation or other provision of law, any easement, covenant or other private agreement or legal relationship; provided that, whenever this chapter imposes restrictions on use or subdivision of land different from those imposed by any other statute, provision of this code, ordinance, regulation or other provision of law, whichever provisions are more restrictive, or impose higher standards shall control; and provided further that, whenever this chapter imposes greater restrictions on, or higher standards for, the use or subdivision of land than any easement, covenant or other private agreement or legal relationship, this chapter shall control.

(Prior Code, § 19-9) (Ord. 609, § 13)

### **§ 153.010 AMENDMENT OF CHAPTER.**

This chapter may be amended from time to time in the manner provided in state law, and all acts amendatory thereto.

(Prior Code, § 19-10) (Ord. 609, § 11)

**§ 153.011 APPLICABILITY OF CHAPTER.**

This chapter shall be binding on all persons or other entities which come within its definitions, as a part of the general regulatory ordinances of the city.  
(Prior Code, § 19-11) (Ord. 609, § 15; Ord. 682, § 1)

***APPLICATION PROCEDURE***

**§ 153.030 CERTIFICATE OF APPROVAL; REQUIRED.**

The subdivider shall submit to the Secretary of the Plan Commission a written application for a certificate of approval of a subdivision plat at least 10 days prior to the meeting of the Plan Commission at which it is to be considered.  
(Prior Code, § 19-12) (Ord. 609, § 4)

**§ 153.031 TENTATIVE PLAN APPROVAL.**

(A) Approval of a tentative plan by the Plan Commission shall be required in all cases in which a written application for a certificate of approval of a subdivision plat is filed. Approval of a tentative plan by the Plan Commission shall be required prior to approval of a preliminary plat. In order to be considered for tentative plan approval, a petitioner must satisfy the requirements of [§ 153.097](#). Approval of a tentative plan by the Plan Commission is not an acceptance of the subdivision plat or planned unit development for record and the acceptance shall not be indicated on the face of the tentative plan. The approval shall be deemed only tentative approval of the subdivider's application and shall constitute only an approval of the general plan as a guide in the preparation of the preliminary plat and final plat for approval and recording upon fulfillment of all requirements of this chapter. The tentative plan approval shall not prohibit the Plan Commission from introducing revisions which may be subsequently deemed necessary in the interest of the health, safety and welfare of the community.

(B) A public hearing shall not be required for tentative plan approval.  
(Ord. 99-39, § 1)

**§ 153.032 PRELIMINARY PLAT; FILING; FEES.**

Three prints of the preliminary plat of subdivision shall be filed with the Plan Commission at the time application is submitted. The preliminary plat shall comply with the provisions of [§ 153.095](#). Fees charged for the filing of a subdivision plat shall be paid in full on the basis of the estimated number of lots created and as specifically provided in [§ 153.007](#) at the time the application is submitted.  
(Prior Code, § 19-13) (Ord. 609, § 4)

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### § 153.033 PRELIMINARY PLAT; PLAN COMMISSION ACTION.

(A) The Plan Commission shall take any 1 or all of the following actions:

- (1) Approve the preliminary plat;
- (2) Approve conditionally the preliminary plat, thereby requiring additions, corrections, changes or other information necessary for compliance with this code for approval of the preliminary plat; or
- (3) Disapprove the subdivision proposal preliminary plat in accordance with its determination whether or not all requirements of this chapter are satisfied and when it finds that the proposal does not comply with the requirements of this chapter or other ordinances of Hobart, or where a proposed subdivision would adversely affect the health, safety or general welfare of the city.

(B) The action shall be taken within 73 days after the subdivider's application, the preliminary plat and all other required materials are submitted to the Secretary of the Commission; provided that, the Plan Commission may delay its action at the request of the applicant.

(C) Whichever of the actions listed above the Commission takes, the findings and the reasons therefore must be set forth in writing and show consideration of the following subdivision requirements:

(1) Design standards including, but not limited to:

- (a) Suitability of land;
- (b) Streets, sidewalks, public ways;
- (c) Easements;
- (d) Lots;
- (e) Open spaces; and
- (f) Public sites.

(2) Infrastructure including, but not limited to:

- (a) Storm sewers;
- (b) Sanitary sewers;
- (c) Public water; and
- (d) Other utilities.

(Prior Code, § 19-14) (Ord. 609, § 4; Ord. 95-07, § 1)

**§ 153.034 PRELIMINARY PLAT; MODIFICATION.**

If the preliminary plat is approved with modification or waiver of certain requirements, the Plan Commission shall set forth, in its own records, such modifications or waivers and the reasons therefor.

(Prior Code, § 19-15) (Ord. 609, § 4)

**§ 153.035 PRELIMINARY PLAT; CONDITIONAL APPROVAL.**

If the preliminary plat is approved conditionally, the Plan Commission shall set forth, in its own records, the conditions and reasons therefor, and provide the subdivider with a copy. In any additional approval, the Plan Commission may require the subdivider to submit a revised preliminary plat.

(Prior Code, § 19-16) (Ord. 609, § 4)

**§ 153.036 PRELIMINARY PLAT; DISAPPROVAL.**

If the preliminary plat is disapproved, the Plan Commission shall set forth the reasons for the action in its own records and provide the subdivider with a copy. The Plan Commission should, if possible, make recommendations on the basis of which the proposed subdivision may be approved.

(Prior Code, § 19-17) (Ord. 609, § 4)

**§ 153.037 PRELIMINARY PLAT; EFFECT OF APPROVAL.**

(A) If the preliminary plat is approved, the Plan Commission shall enter the action on its official records and notify the applicant of the approval.

(B) Approval of a preliminary plat by the Plan Commission is not an acceptance of the subdivision plat for record and shall not be indicated on the face of the preliminary plat. The approval shall be deemed only tentative approval of the subdivider's application and shall constitute only an expression of approval of a general plan as a guide in the preparation of a final plat for final approval and recording, upon fulfillment of all requirements of this chapter. The tentative approval shall not limit the Plan Commission in introducing changes or revisions which it may subsequently deem necessary to the interests and needs of the community.

(Prior Code, § 19-18) (Ord. 609, § 4)

**§ 153.038 PRELIMINARY PLAT; WAIVER FOR CERTAIN LOTS.**

Following informal consultation between the Plan Commission and a subdivider as provided for in [§ 153.004](#), if the Plan Commission determines that a proposed subdivision would:

(A) Create only 2 or 3 lots; and/or

(B) Would not include the creation of any part of 1 or more streets, public easements or other right-of-way, whether public or private, for access to or from such lots, the Plan Commission may permit an application for approval of a plat or subdivision to be accompanied



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by the final plat, thus waiving the requirement that a preliminary plat be filed. In addition to complying with all requirements of [§ 153.097](#), the final plat in such cases shall also be accompanied by the materials specified in [§ 153.095](#). No other procedural requirement of this chapter, including tentative approval may be waived, nor may any substantive requirement be waived pursuant to this section, the purpose of which is limited to a simplification of procedural requirements in a limited class of cases in which submission of a preliminary plat seems likely to be unnecessary.

(Prior Code, § 19-19) (Ord. 609, § 8)

### **§ 153.039 PRELIMINARY PLAT; EXPIRATION; EXTENSIONS.**

Tentative approval of a subdivision preliminary plat shall be effective for a maximum period of 12 months, unless, upon application by the developer, the Plan Commission grants an extension. If the final plat has not been submitted for final approval within this time limit, a preliminary plat shall again be submitted to the Plan Commission for tentative approval.

(Prior Code, § 19-20) (Ord. 609, § 4)

### **§ 153.040 PUBLIC HEARING.**

If the Plan Commission tentatively approves the subdivider's application, it shall set a date for a hearing, notify the subdivider in writing and notify, by proper publication or otherwise, at least 10 days prior to the date set for the hearing, any person or governmental unit having a probable interest in the proposed plat. The cost of publication of the notice shall be paid by the subdivider to the publisher at the time such notice is inserted. In addition to the legal description, in advertising, the area shall be identified as to its location in terms familiar to the general public.

(Prior Code, § 19-21) (Ord. 609, § 4)

### **§ 153.041 FINAL PLAT; SUBMISSION TO PLAN COMMISSION; ADJUSTMENT OF FILING FEES.**

The subdivider shall submit to the Plan Commission 1 original tracing and 3 prints of the final plat of the subdivision. The final plat shall comply with the provisions of [§ 153.097](#) and shall be accompanied by such other documents and materials as may be required by this chapter. At the time the final plat is submitted, an adjusted filing fee will be determined on the basis of the actual number of lots created by the subdivision, and any additional fee shall be paid or refunds made at that time.

(Prior Code, § 19-22) (Ord. 609, § 4)

### **§ 153.042 FINAL PLAT; ACTION BY PLAN COMMISSION.**

(A) After public hearing and submission of the final plat, the Plan Commission shall approve or disapprove the subdivider's application for approval of a subdivision plat. If the Plan Commission approves, it shall cause to be transcribed upon the original tracing of the final plat its certificate of approval and shall affix the Commission's seal upon the original tracing, together with the signatures of the Secretary and Chairperson of the Plan Commission. If the Commission disapproves, it shall set forth the reasons for the disapproval in its own records and provide the applicant with a copy.

(B) The Plan Commission shall take final action, on all applications that are tentatively approved, within 73 days after the meeting at which tentative approval is given, or within 46 days after the final plat is submitted, whichever is later. Failure by the Plan Commission to act within the period shall be deemed approval of the subdivision and the Secretary of the Plan Commission shall issue a certificate to that effect upon demand; provided, however, that, the Commission may delay any preliminary or final action at the request of the developer, in which case the provisions of this section shall not apply.

(Prior Code, § 19-23) (Ord. 609, § 4; Ord. 951, § 1)

**§ 153.043 FINAL PLAT; TIME LIMIT FOR RECORDING.**

Final approval of the final plat by the Plan Commission shall become null and void unless the plat is recorded within 60 days after the date of final approval; provided that, the Plan Commission may extend this time limit at the request of the subdivider.

(Prior Code, § 19-24) (Ord. 609, § 4)

**§ 153.044 FINAL APPROVAL NOT TO CONSTITUTE ACCEPTANCE OF STREETS.**

Final approval of a subdivision plat by the Plan Commission shall in no way constitute legal acceptance of any dedicated streets, alleys or other public lands.

(Prior Code, § 19-25) (Ord. 609, § 4)

***DESIGN STANDARDS***

**§ 153.060 SUITABILITY OF LAND.**

(A) Land subject to flooding and land deemed by the Plan Commission to be unsuitable for platting because of topography, drainage or for other reasons, shall not be platted for residential or commercial occupancy, nor for such other uses as may increase or cause danger to health, life, property or aggravate any flood hazard.

(B) Land deemed unsuitable for platting shall include, without being limited to:

(1) Land with an elevation less than 4 feet above the highest groundwater level; provided that, land with an elevation of between 2 and 4 feet above the highest ground water level may comprise not more than 10% of the minimum lot area of a residential lot.

(2) Land with an elevation less than 2 feet above the approximate high water elevation of any lake, stream or swamp affecting the plat; provided that, the land may comprise not more than 10% of the minimum lot area of a residential lot.

(Prior Code, § 19-26) (Ord. 609, § 5)

**§ 153.061 STREETS.**

(A) *Generally.* The arrangement, character, extent, width, grade and location of all streets shall conform to the master plan and shall be considered in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams, swamps and existing tree growth and to the proposed uses of the lands to be served by the streets.

(B) *Arrangement.* Where it is not shown on the master plan, the arrangement of streets in a subdivision shall either:

(1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(2) Conform to a plan for the neighborhood approved or adopted by the Plan Commission to meet a particular situation in which topographical or other conditions make continuation of or conformance to existing streets impractical.

(C) *Local streets.* Local streets shall be laid out so that their use by heavy and through traffic is discouraged.

(D) *Major arterial streets.* Where a subdivision abuts or contains an existing or proposed major arterial street, the Plan Commission, at its discretion, may require that certain marginal access streets be included along the margin of the property, may reverse the frontage of lots by adding screen planting in a no-access reservation along rear property lines which then border the major street and may require deep lots with rear service alleys or may require such other treatment as it deems advisable to give adequate protection to residential properties and to afford separation of through and local traffic.

(E) *Reserve strips.* Reserve strips controlling access to streets are prohibited, except where their control is definitely placed with the city under conditions approved by the Plan Commission.

(F) *Street jogs.* Street jogs shall be avoided.

(G) *Reverse curves.* A tangent at least 100 feet long shall be introduced between reverse curves on major arterial and collector streets.

(H) *Sight distance.* A minimum vertical sight distance with clear visibility measured along the center line shall be provided of at least 600 feet on major arterial streets, 300 feet on collector streets and 200 feet on local streets.

(I) *Minimum radii.* The minimum radii of curvature on the centerline shall not be less than 500 feet on major arterial streets, 200 feet on collector streets and 100 feet on local streets.

(J) *Intersections.* Intersecting streets shall be laid out at as nearly right angles as possible and no such angle of intersection shall be less than 60 degrees. Property lines at street intersections shall be rounded with a radius of at least 20 feet, measured at curblines; provided that, where the angle of street intersection is less than 75 degrees, such greater radius shall be required as the Plan Commission may deem necessary. The Commission may permit chords or cutoffs in place of rounded corners. Wherever necessary to permit the construction of a curb having the required radius without curtailing the sidewalk at a street intersection to less than

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normal width, the property line at the street corner shall be rounded or otherwise set back to permit the construction.

(K) *Right-of-way and roadway widths.* Unless otherwise shown on the master plan, right-of-way and roadway widths shall not be less than the following:

(1) Major arterial streets: 100 feet of right-of-way, 52 feet of roadway;

(2) Collector streets:

(a) Residential: 80 feet of right-of-way, 40 feet of roadway;

(b) Industrial: 80 feet of right-of-way, 52 feet of roadway; and

(c) Commercial: 80 feet of right-of-way, 64 feet of roadway.

(3) Local streets:

(a) Providing through access to other residential streets and developed on both sides: 60 feet of right-of-way, 33 feet of roadway; and

(b) Not providing through access (cul-de-sacs) or developed on 1 side only: 60 feet of right-of-way, 31 feet of roadway.

(L) *Half streets.* Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this chapter and where the Plan Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever there exists a half street adjacent to a tract to be subdivided, the other half shall be platted within the tract.

(M) *Dead-end streets.* If a street is designed to have 1 end permanently closed, the closed end shall not be more than 500 feet from an intersection of the street with another street. At the closed end of the street, there shall be provided a turnaround having an outside roadway diameter of at least 60 feet and a street property line diameter of at least 100 feet. Where the Plan Commission deems it desirable to provide street access to adjoining property, proposed streets shall be extended by dedication to the boundary of the property. The deadend streets shall be provided with a temporary turnaround having a roadway diameter of at least 60 feet.

(N) *Street names.* No street names shall be used that will duplicate or that may, in the judgment of the Plan Commission, be confused with the names of existing streets. Streets that are now or will eventually be continuations of existing streets shall be called by the names of the existing streets.

(O) *Grades.* No street grade shall be less than 0.5%. No major arterial or collector street shall have a grade in excess of 5% and no local street shall have a grade in excess of 10%.

(P) *Vertical curves.* All changes in grade shall be connected by vertical curves of minimum length in feet equal to 15 times the algebraic difference in rates of grade for major arterial streets and 1/2 this minimum length for other streets.

(Prior Code, § 19-27) (Ord. 609, § 5)

**§ 153.062 ALLEYS.**

(A) *Business and industrial districts.* A minimum of 30-foot alleys shall be required by the Plan Commission in the business and industrial districts if no other definite and assured provision is made for service access, such as off-street loading and parking, consistent with and adequate for the uses proposed.

(B) *Residential districts.* Alleys shall not be provided in residential areas unless deemed necessary by the Plan Commission because of topography or other exceptional circumstances. Alleys, when deemed necessary, shall be not less than 20 feet wide.

(C) *Corners.* Alley intersections and sharp changes in alignment shall be avoided, but where the intersections or changes are unavoidable, corners shall be cut off with a radius of not less than 10 feet or sufficiently to permit safe vehicular movement.

(D) *Deadend alleys.* Deadend alleys shall be avoided, but if unavoidable, shall be provided with adequate turnaround facilities for large trucks at the closed end.  
(Prior Code, § 19-28) (Ord. 609, § 5)

**§ 153.063 EASEMENTS.**

(A) *Utilities.* Easements across lots or centered on rear or side lot lines shall be provided where necessary, in the judgment of the Plan Commission, for overhead or underground utilities. Where provided, the easements shall be at least 20 feet wide.

(B) *Watercourses.* Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse and such further width or construction or both as will be adequate for such purpose. Parallel streets or parkways may be required in connection with the drainage easements.  
(Prior Code, § 19-29) (Ord. 609, § 5)

**§ 153.064 BLOCKS.**

(A) *Length.* Block length should usually not exceed 1,320 feet nor be less than 500 feet.

(B) *Crosswalks.* Pedestrian crosswalks not less than 10 feet wide shall be required in blocks longer than 90 feet. The crosswalks are deemed to be essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

(C) *Width.* Blocks shall be wide enough to allow 2 tiers of lots of at least minimum depth, except where frontage on major streets or prevented by topographical conditions or size of the property, in which cases the Plan Commission may approve a single tier of lots of at least minimum depth.

(D) *Non-residential blocks.* In areas permitted by Chapter 154 of this code to be used for business or industry, blocks intended for the use should be specifically designed for such purpose with adequate space set aside for off-street parking and loading facilities.

(E) *Frontage*. Where frontage is on a major arterial or collector street, the long dimension of the block should ordinarily front thereon.  
 (Prior Code, § 19-30) (Ord. 609, § 5)

**§ 153.065 LOTS.**

(A) *Dimensions and areas*. The size, shape and orientation of lots shall be such as the Plan Commission deems appropriate for the type of development and use contemplated including provision for off-street parking and loading facilities; provided that, lot dimensions and areas shall not be less than required by Chapter 154 of this code, nor shall they be less than shown in the following table.

	<i>Minimum Width at Building line</i>	<i>Minimum Depth</i>	<i>Minimum Area</i>
Lots served by public water or sanitary sewers	60 feet	100 feet	6,000 square feet
Lots served by neither public water nor sanitary sewers	100 feet	160 feet	16,000 square feet

(B) *Business lots*. Platting of lots for business purposes shall be avoided in favor of the comprehensive design of an integrated shopping center providing off-street parking and loading facilities.

(C) *Frontage*. Each lot shall abut on a public street or dedicated public way.

(D) *Double frontage lots*. Double frontage and reverse frontage lots shall be avoided, except along major streets, in which case the Plan Commission may approve reverse frontage of lots with screen planting continued in a no-access reservation along rear property lines.

(E) *Corner lots*. Corner lots shall be sufficiently wider and larger to permit the additional width of side yard that may be required by Chapter 154 of this code and to permit the building setback lines specified herein.

(F) *Building lines*. Building setback lines shall be located at least 25 feet from the street line of local, marginal access and collector streets and at least 50 feet from the street line of major arterial streets.

(G) *Lot lines*. Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines. Insofar as practical, lot lines shall be straight.

(H) *Screen planting easement*. A screen planting easement, across which there shall be no right of access and which shall be at least 10 feet wide, may be required between residential and commercial or industrial lots or along the rear line of lots when the rear lines abut on a major arterial street.  
 (Prior Code, § 19-31) (Ord. 609, § 5)

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### § 153.066 PUBLIC SITES; OPEN SPACES.

(A) *Schools and recreation facilities.* Where deemed essential by the Plan Commission, upon consideration of the particular type of development proposed in the subdivision, the Plan Commission may specify provision for schools and for recreation facilities, including neighborhood parks, playgrounds and public access to water frontage. The provision may include a requirement that not more than 10% of the gross area subdivided be reserved for use as a public park or playground for a period of 1 year and that the reservation be extended for an additional 6 months if, during the reservation year, a local governmental agency concerned passes a resolution expressing its intent to acquire the land so reserved for school or recreation facilities.

(B) *Community assets.* In all subdivisions, due consideration shall be given to the preservation of watercourses, large trees and similar natural features.  
(Prior Code, § 19-32) (Ord. 609, § 5)

## IMPROVEMENTS

### § 153.080 FINAL APPROVAL; PREREQUISITE.

The Plan Commission shall not give final approval to any application for approval of a subdivision plat unless the improvements and installations specified in [§ 153.081](#) have previously been completed and are in place; provided that, the Plan Commission may give final approval to such a plat if the applicant provides a bond which shall comply with the requirements specified in [§ 153.097](#).  
(Prior Code, § 19-33) (Ord. 609, § 6)

### § 153.081 REQUIRED IMPROVEMENTS.

The following improvements and installations, constructed in accordance with the requirements of [§ 153.083](#) shall be required:

(A) Street and alley grading and surfacing and stabilization of banks to prevent wind and water erosion;

(B) Curbs and gutters, at the discretion of the Plan Commission;

(C) Storm sewers, culverts, drainage facilities and bridges, retaining walls or other improvements where necessary in the judgment of the Plan Commission;

(D) Sanitary sewers, unless, in the judgment of the Plan Commission, the provision of sanitary sewers is impractical, in which case, individual lots shall comply with the size requirements specified in [§ 153.065](#) and shall be provided with septic tanks and disposal fields prior to or at the time of construction of any building on such lots; provided, that a complete sanitary sewerage collection system be installed and capped, with capped leads to each lot in accordance with city standards;

(E) Water mains, unless, in the judgment of the Plan Commission, connection to a public water supply is impractical, in which case individual lots shall comply with the size requirements specified in [§ 153.065](#) and each lot shall be provided with an individual water supply in accordance with the requirements of the Lake County and the state’s Board of Health;

(F) Crosswalks, where required; and

(G) Monuments.

(Prior Code, § 19-34) (Ord. 609, § 6)

**§ 153.082 APPROVAL OF IMPROVEMENT PLANS.**

(A) *Planning engineer.* After receipt of an application for approval of a plat of subdivision, the Plan Commission shall designate the city’s Engineer to be the planning engineer who shall perform the duties specified by this chapter in connection with the approval of the application by the Commission. No individual shall serve as a planning engineer if the individual has, at any time, rendered any professional services to the applicant in connection with the subdivision under review.

(B) *Approval of improvement plans by Commission.* No improvements or installations shall be made unless and until all necessary plans, profiles and specifications have been submitted to and approved by the Plan Commission, after recommendation of the planning engineer designated as provided in this section. After such plans, profiles and specifications are submitted for review, the planning engineer shall prepare an estimate of cost for office checking and field inspection and the subdivider shall, thereupon, deposit with the Secretary of the Commission an amount of money equal to the estimated cost. All work done by the planning engineer in connection with checking, computing and correcting such plans for improvements and installations and in connection with field inspection of the construction thereof, shall be charged to the deposit. If, during the progress of work, it shall appear that the cost thereof will exceed the amount so deposited, the planning engineer shall notify the Plan Commission and the subdivider of this fact and shall do no further work in connection with the review of field inspection until the subdivider has deposited with the Commission the additional amount of money necessary to cover the cost of the work. Upon completion of the work of checking plans and inspecting the construction of improvements and installations, the planning engineer shall forward to the Plan Commission a statement of the amount of his or her fees to be charged against the deposits made by the subdivider. The Commission shall thereupon refund to the subdivider any unexpended balance of such deposits. If such fees for any reason exceed the amount of the deposit, the Commission shall collect the balance due and shall issue a statement that the charges have been paid.

(Prior Code, § 19-35) (Ord. 609, § 6)

**§ 153.083 STANDARDS FOR IMPROVEMENTS AND INSTALLATIONS.**

All required improvements and installations shall be constructed equal to or better than the standards of quality set forth in this section and in accordance with plans, profiles and specifications for such improvements and installations that have been approved by the Plan Commission.



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### (A) *Streets, alleys and sidewalks.*

(1) Street roadways shall be surfaced to the minimum widths specified in [§ 153.061](#). Alley roadways shall be surfaced to the full width of the alley right-of-way.

(2) Roadways shall be of bituminous concrete (AH). If over 48 feet in width, they shall be 10 inches of compacted crushed stone, base course, 2-inch minimum surface. If 48 feet wide or less, they shall be 6 inches compacted crushed stone, base course, 2 inches minimum binder course, 2-inch surface course. The Plan Commission may permit the installation of surfacing other than bituminous concrete subject to standards assuring that the surfacing will be equivalent to the bituminous concrete surfacing required by this section.

(3) Sidewalks shall not be less than 5 feet in width, constructed of concrete not less than 4 inches thick on a base of not less than 3 inches of sand or crushed stone.

(4) All work on grading, surfacing and improvement shall be performed in the manner prescribed in *Standard Specifications for Road and Bridge Construction and Maintenance-1952* of the state's Highway Commission, or the standards of the city, whichever may be higher.

### (B) *Storm sewers.*

(1) Storm drainage from roof drainage or any other surface drainage, shall not be permitted to empty into any sanitary sewer.

(2) Where a public stormwater sewer is reasonably accessible, as determined by the Plan Commission, the subdivider shall connect with the storm drainage system, if the connection is deemed necessary by the Plan Commission and shall do the grading and provide the drainage structures as may be required by the city or county agencies involved.

(3) Where a public stormwater system is not reasonably accessible as determined by the Plan Commission, but where the plans for the stormwater drainage system of the district in which the subdivision is located have been prepared and officially approved, the subdivider shall install drainage facilities as may be deemed necessary by the Plan Commission in conformity with the official plans.

(4) If the subdivision is in an area where no public stormwater system is available, the subdivider shall provide a private storm sewer system for draining the subdivision area, with particular attention being given to proper drainage of the streets. It is the specific intent of this chapter that for the good of the city streets and the land of the citizens adjoining, that no subdivision be approved without proper stormwater systems and place of disposal for the stormwater where other properties will not be adversely affected.

(5) Whenever the construction of streets and necessary stormwater system in a subdivision is such that direction of stormwater flow is diverted to affect surrounding properties, the developer shall obtain sufficient drainage easements to provide adequate disposal of the stormwater.

(C) *Sanitary sewers.* If a subdivision can be reasonably served by the extension of an existing public sanitary sewer, as determined by the Plan Commission, the subdivider or developer shall provide a system of sanitary sewer mains and shall provide lateral connections for each lot and shall connect same to existing city sewers at his or her expense. Where a public

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sanitary sewer is not reasonably accessible, the subdivider, the owner or the developer may provide septic tanks for each lot; provided that, the septic tanks are installed in accordance with state and local requirements; provided that, a system of sanitary sewer mains shall be installed and capped until such time as they can be connected to the public sewer system. Whenever main lines are installed, sewer and water shall be extended to property lines.

### (D) *Individual sewage disposal facilities.*

(1) In the event the installation of disposal systems shall be considered, the absorption ability of the soil, surface drainage of topography shall be criteria for determining whether or not the installation of individual septic tank disposal systems are feasible.

(2) At least 2 soil borings to a depth of at least 4 feet shall be made for each acre of land being platted and each test and boring shall be numbered and its location shown on the plat.

(3) The general types of soil encountered in making the tests and borings and the depth of ground water it found shall be documented and submitted with the preliminary plat, together with the name and address of the registered engineer or surveyor making the test and borings and the date on which they were made.

(4) All percolation tests shall be performed in accordance with requirements of the Plan Commission. Requirements shall be in line with those as specified in U.S. Public Health Service Publication No. 397, *Studies on Household Disposal System*, or as specified by the state's Board of Health.

### (E) *Septic tanks and disposal fields.*

(1) Septic tanks and disposal fields shall be installed in accordance with the requirements of the laws of the state.

(2) In all cases where it has been determined by the Plan Commission that septic tank disposal systems are not feasible, a group sewage disposal system may be required.

### (F) *Public water supply.*

(1) Where public water supply is within reasonable distance, as determined by the Plan Commission, the subdivider or developer shall construct a system of water mains and connect with the public water supply and provide a connection for each lot.

(2) Where public water supply is not available, each main structure shall be provided with an individual well by the developer or owner.

### (G) *Test wells.*

(1) At least 1 test well shall be made in the area being platted for each 100 lots or for each 25 acres of area, whichever is the smaller. In cases where copies of the logs of existing wells located within the area being platted are available, this may be submitted in lieu of making test wells.

(2) Test wells shall be at least 25 feet in depth, and shall produce safe potable drinking water at a rate of not less than 5 gallons per minute.

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(3) A copy of the well log, which will include the name and address of the well driller, shall be submitted with the plat to the Plan Commission.

(H) *Location and construction of individual private wells.*

(1) Individual private wells shall be located at least 25 feet from property lines; 50 feet from all septic tanks; approximately 100 feet from all tile disposal fields and other sewage disposal facilities; 10 feet from all cast-iron sewer lines; 30 feet from any vitrified tile sewer lines; and, shall not be located within any floodplain.

(2) As a precaution against seepage, a watertight seal shall be provided around the pump mounting.

(3) All abandoned wells shall be sealed in a manner that will render them watertight.

(4) In all cases where it has been determined that individual water supplies from private wells are not feasible, a public water distribution system will be required.

(I) *Public water distribution system.* Public wells and other public water distribution systems shall meet the requirements of the state's Board of Health.

(J) *Monuments.*

(1) A complete survey shall be made by a surveyor or a registered civil engineer.

(2) The traverse of the exterior boundaries of the tract and of each block, when computed from field measurements of the ground, shall close within a limit of error of 1 foot to 10,000 of the perimeter before balancing the survey.

(3) Permanent reference monuments shall be located and placed within the subdivision. These monuments shall consist of metal bars not less than 1/2 inch in diameter and 36 inches in length, or shorter bars of not less than 1/2 inch in diameter lapped over each other at least 6 inches with an overall length of not less than 36 inches, encased in a concrete cylinder at least 4 inches in diameter and 36 inches in depth. One such monument shall be placed at each corner and at each change of direction in the boundary line of the subdivision; 1 such monument shall be placed at each block corner and 1 such monument shall be placed at the point of curvature and point of tangency of each curve in a street line on both sides of the street. (Prior Code, § 19-36) (Ord. 609, § 6; Ord. 659, § 1)

## ***SPECIFICATIONS FOR PLATS***

### **§ 153.095 PRELIMINARY PLATS.**

(A) *Form.* The preliminary plat shall be drawn with waterproof non-fading black ink or drawn with pencil on tracing cloth or tracing paper of good quality, on a scale of 1 inch equals not more than 100 feet. It should be prepared by a registered civil engineer or a land surveyor.

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**(B) Information to be shown.**

(1) The preliminary plat shall show correctly on its face the following information:

(a) The proposed name or number of the subdivision by which it shall be legally and commonly known; and

(b) Location by section, township and range, municipality, county and state or by other legal description. When platted premises are not included in the legal subdivisions of the government survey, then boundaries shall be defined by metes, bounds and courses. The sections and parts of sections platted shall be designated by lines drawn upon the map with appropriate letters and figures. In case of a subdivision of lots of a previous survey, the outlines shall be designated upon the map and shall be marked with appropriate letters and figures in ink of a different color than that in which the map is drawn, or by black dotted lines.

(2) The names and addresses of the developer and surveyor or engineer who made the plat;

(3) The date of survey;

(4) Scale of the map, which shall be 1 inch equals not more than 100 feet;

(5) Plain designation of the cardinal points;

(6) Boundaries of the subdivision, indicated by a solid heavy line;

(7) Total acreage within the subdivision;

(8) A description of all public grounds, except streets and alleys, by their boundaries, courses and extent, and all streets, alleys, public utility easements and railroad rights-of-way by their courses, lengths, widths, names or numbers, by writing or figures, upon that portion of the map intended for those uses;

(9) Existing water mains, storm sewers, sanitary sewers, culverts, bridges and other utility structures within the tract, including pipe sizes, grades and exact locations, as obtained from public records;

(10) The existing zoning of the proposed subdivision and adjacent tracts, in zoned areas;

(11) Boundary lines of adjacent tracts of subdivided and unsubdivided land, showing owners of record;

(12) Existing contours, with intervals of not more than 5 feet where the slope is greater than 10% and not more than 2 feet where the slope is less than 10%. Elevations shall be based on sea level datum;

(13) Layout, numbers and dimensions of lots. All lots intended for sale shall be numbered by consecutive numbers; the use of lettered or numbered blocks of lots is prohibited. Lots in numbered additions bearing the same name shall be consecutive throughout the several

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additions. Where all the lots are of the same dimensions, it shall be sufficient to mark the precise length and width upon 1 tier thereof. All gores, triangles or other lots which are neither squares nor parallelograms shall have the length of their sides plainly defined by figures;

(14) The number of outlets and private parks. Outlets and private parks shall be designated as such in printing upon the plat and shall be lettered respectively or given a name;

(15) Drainage channels, wooded areas, existing overhead and underground utilities, permanent building and any other significant items;

(16) Parcels of land intended to be dedicated or reserved for public use or set aside for use of property owners of subdivisions;

(17) Building setback lines, showing dimensions;

(18) A key map at a scale of 1 inch equals 400 feet or less, showing the boundaries of the proposed subdivision and covering the area within which it is to be located;

(19) The water elevation at the date of the survey of lakes, streams or swamps within the subdivision or affecting it, as well as the approximate high and low water elevation of the lakes, streams or swamps. The plat shall also show the contour lines 2 feet above the high water elevation. All elevations shall be based on sea level datum; and

(20) If any portion of the land within the subdivision is subject to flooding, the fact and portion shall be clearly indicated by a prominent note on the preliminary plat.

(C) *Other required materials.* The preliminary plat shall be accompanied by the following materials:

(1) A statement of the proposed uses of lots, stating type of residential buildings with number of proposed dwelling units; type of business or industry, so as to reveal the effect of the development on traffic, fire hazards or congestion of population;

(2) Proposed covenants and restrictions;

(3) A description of proposed provision for sewage disposal, including the results of any percolation tests or soil borings that may be required by [§ 153.083](#), and including satisfactory evidence that the proposed sewage disposal methods meet the requirements of the state's Board of Health;

(4) The proposed zoning plan for the area, if any zoning changes are contemplated; and

(5) A centerline profile of all proposed streets or roads, with typical cross-sections indicating proposed crowns and slopes anticipated in meeting required street improvements. All drainage structures shall be indicated on the profile. All proposed grades shall be indicated in complete detail in the profiles and referenced to the stationing shown on the plan.

(Prior Code, § 19-37) (Ord. 609, § 7)

**§ 153.096 TENTATIVE PLAN.**

(A) *Form.* The tentative plan shall be drawn with water-proof non-fading black ink or drawn with pencil on tracing cloth or tracing paper of good quality, on a scale of 1 inch equals not more than 100 feet. The tentative plan shall be prepared by a registered civil engineer or a land surveyor.

(B) *Information to be shown.* The tentative plan shall show correctly on its face the following information:

(1) The names and addresses of the developer and surveyor or engineer who prepared the plan;

(2) The date of survey;

(3) Scale of the map, which shall be 1 inch equals not more than 100 feet;

(4) Boundaries of the proposed subdivision, indicated by a solid heavy line;

(5) Total acreage within the proposed subdivision;

(6) The existing zoning of the proposed subdivision and adjacent tracts, in zoned areas;

(7) Layout, numbers and dimensions of lots. All lots intended for sale shall be numbered by consecutive numbers. The use of lettered or numbered blocks of lots is prohibited. Lots in numbered additions bearing the same name shall be consecutive throughout the several additions. In the event that all the lots are of the same dimensions, it shall be sufficient to mark the precise length and width upon 1 tier thereof. All gores, triangles or other lots which are neither squares nor parallelograms shall have the length of their sides plainly defined by figures;

(8) The number of outlots and private parks. Outlots and private parks shall be designated as such in printing upon the plan and shall be lettered respectively or given a name;

(9) Drainage channels, wooded areas, existing overhead and underground utilities, permanent buildings and any other significant items;

(10) Parcels of land intended to be dedicated or reserved for public use or set aside for use of property owners of the proposed subdivision; and

(11) If any portion of the land within the proposed subdivision is subject to flooding, such fact and portion shall be clearly indicated by a prominent note on the tentative plan.

(C) *Other required materials.* The tentative plan shall be accompanied by the following materials:

(1) A statement of the proposed uses of lots, stating type of residential buildings with number of proposed dwelling units and/or type of business or industry, so as to reveal the impact of the proposed development on traffic, fire safety and congestion of population; and

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- (2) The proposed zoning plan for the area, if any zoning changes are contemplated.  
(Ord. 99-39, § 2)

### § 153.097 FINAL PLATS.

(A) *Form.* The final plat shall be a map or a chart clearly and legibly drawn in India ink on tracing cloth, exactly 18 by 24 inches in size; provided that, the Plan Commission may accept or require a different standard size to correspond to local plat book dimensions. Reproductions by a dry process such as litho-prints, etchings, engravings, lithographs or printing press products are acceptable; provided that, in any process of reproduction where use of chemicals are employed, the chemicals shall be such as not to exert a destructive or altering effect upon the paper or the ink thereon. The Plan Commission shall not accept any plat by any wet reproduction process such as photographs or photostats. When more than 1 sheet is required, there shall also be included an index sheet on like material and of like process and dimensions, showing the entire subdivision on 1 sheet and giving block and lot numbers.

(B) *Information to be shown.* The final plat shall contain the following information:

- (1) The name by which the subdivision shall be legally and commonly known shall be placed in large bold letters at the top of the plat;

- (2) Location by section, township and range, municipality, county and state or by other legal description. When platted premises are not included in the legal subdivisions of the government survey, then boundaries shall be defined by metes, bounds and courses. The sections and parts of sections platted shall be designated by lines drawn upon the plat with appropriate letters and figures. In case of a subdivision of lots of a previous survey, the outlines shall be designated upon the plat and shall be marked with appropriate letters and figures in ink of a different color than that in which the plat is drawn or by a black dotted line;

- (3) The names of the owners and the surveyor or engineer preparing the plat;

- (4) The date of survey;

- (5) Scale of map, which shall be 1 inch equals not more than 100 feet, shown graphically;

- (6) Plain designation of the cardinal points;

- (7) All plat boundaries, with length of courses to 1/1,000 foot and bearings to half minutes;

- (8) Bearings and distances to the nearest established street lines, section corners or other recognized permanent monuments, not less than 3, which shall be accurately described on the plat;

- (9) Municipal, township, county or section lines, accurately tied to the lines of the subdivision by distances and bearings;

- (10) The exact location, width and name of all streets within and adjoining the

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subdivision and the exact location of all alleys and crosswalks;

(11) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs, chord and chord bearings;

(12) All easements for rights-of-way provided for public services or utilities and any limitations of the easements;

(13) All lot numbers and lot lines, with accurate dimensions in feet and hundredths and with bearings or angles to street and alley or crosswalk way lines. Where all lots are of the same dimensions, it shall be sufficient to mark the precise length and width upon 1 tier thereof. All gores, triangles or other lots which are neither squares nor parallelograms shall have the length on their sides plainly defined by figures;

(14) Accurate location of all monuments;

(15) Accurate outlines and legal descriptions, by courses and extent, of any areas, not including streets, alleys or public utility easements, to be dedicated or reserved for public use, with the purposes indicated thereon and of any area to be reserved by deed covenant for common use of all property owners;

(16) Building setback lines, accurately shown with dimensions; and

(17) When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the width at the building line shall be shown.

(C) *Certificates required.* The final plat shall also bear the following:

(1) Either:

(a) Certification by the planning engineer that all improvements and installations required by this chapter are in place; or

(b) Certification by the planning engineer that all necessary plans, profiles and specifications for all improvements and installations required by this chapter have been examined by him or her, and certification by the Secretary of the Plan Commission that the subdivider has filed a bond, which bond shall:

1. Run to the Common Council;

2. Be in an amount determined by the Plan Commission, after recommendation by the planning engineer, to be sufficient to complete the improvements and installations, including the inspection and checking required by [§ 153.082](#), in compliance with the requirements of this chapter;

3. Be with surety satisfactory to the Commission;

4. Specify the time for completion of the improvements and installations;  
and

5. In addition to the other provisions herein required, provide for the



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maintenance and upkeep of the improvements for a period of 2 years from the date of their completion, the guarantee to be in an amount equal to 10% of the cost of the improvements.

(2) Certification by a registered civil engineer or a land surveyor to the effect that the plat represents a survey made by him or her, that all monuments shown thereon actually exist and that their locations are correctly shown and that all dimensional and geodetic details are correct;

(3) Form of dedication, stating the name of the plat, that the lands embraced therein have been surveyed and platted and that the streets, alleys, public areas, sewers, water distribution lines and other improvements shown thereon are dedicated to the use of the public. If there are any streets, parks or other places which are usually public, but are not so dedicated on the plat, the character and extent of the dedication of such street, park or other place shall be plainly set forth in the dedication. The dedication shall be signed by the person holding the title by deed of the lands, by persons holding any other title of record, by the persons holding title as vendees under land contract and by the wives and/or husbands of the parties, and if the lands to be dedicated to public use are mortgaged, the mortgagees shall also sign the plat. The signatures shall be witnessed and execution of the dedication shall be acknowledged as deeds conveying lands are required to be witnessed and acknowledged;

(4) Proper form for the approval of the Plan Commission; and

(5) Proper form for acceptance of dedicated improvements and lands and acceptance of the plat by the Common Council.

(D) *Additional material required.*

(1) The subdivider shall submit with the final plat an abstract of title certified to date or, at the option of the subdivider, a policy of title insurance, for examination by the Plan Commission, in order that the Commission may ascertain whether the proper parties have signed and acknowledged the required certificates on the plat, and whether the property involved is free and clear of all encumbrances; provided, however, that, the Plan Commission may waive this requirement if it determines that unusual circumstances make the abstract or policy unnecessary.

(2) Any proposed protective covenants that are to run with the land shall be submitted with the final plat. These covenants may be shown upon the final plat, but if they are not so shown, they shall be submitted with the final plat in form for recording and shall be recorded at the same time the final plat is recorded.

(3) The subdivider shall submit with the final plat all necessary plans, profiles and specifications for the improvements and installations required by [§§ 153.080 et seq.](#); provided, however, that, the plans, profiles and specifications may, at the option of the subdivider, be filed prior to the filing of the final plat.

(Prior Code, § 19-38) (Ord. 609, § 7)

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