

**8.1 GENERAL PROVISIONS****A. Title**

This Section of the Ashley Unified Zoning and Subdivision Control Ordinance shall be known, cited, and referred to as the "Subdivision Control Regulations for the Town of Ashley, Indiana".

**B. Intent and Purposes**

The purposes of these subdivision regulations are to protect and promote the public health, safety, and general welfare, and to provide for:

1. Guidance of future growth and development in accordance with the Comprehensive Plan and other applicable Town policies and ordinances.
2. Protection of the character, the social, and the economic stability of all parts of the area, and to encourage the orderly and beneficial development of all parts of the jurisdiction.
3. Protection and conservation of the value of land, buildings, and other improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
4. Avoidance of scattered and uncontrolled subdivisions of land that would result in the unnecessary imposition of an excessive expenditure of public funds for the supply of services that are a part of community infrastructure.
5. Establishment of reasonable standards and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land; and to ensure proper legal descriptions and monumenting of subdivided land.
6. Prevention of the pollution of air and water; provision of drainage facilities and safeguarding of the water table; and the encouragement of wise use and management of natural resources in order to preserve the integrity, stability, natural beauty, topography, and the value of land.
7. To guide public and private policy and action to provide adequate and efficient public and private facilities, the most aesthetically pleasing and beneficial interrelationship between land use, conserve natural resources such as natural beauty, woodlands, open spaces, and energy, both during and after development.
8. To cause the cost of design and installation of improvements in new, platted subdivisions to be borne by the persons purchasing the lots rather than by any direct or indirect burden upon existing property owners beyond the limits of the subdivision who have already paid for the improvements servicing their property.

**C. Jurisdiction**

This ordinance, which was enacted pursuant to Indiana home rule and planning enabling legislation (Indiana Code, titles Section 36-1-3-4 and the Section 36-7-4-700 series, as amended), authorizes the Ashley Advisory Plan Commission to review and approve or disapprove plats for subdivisions within the corporate limits of the Town of Ashley, Indiana.

**D. Policy and Interpretation**

1. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Commission, in accordance with the provisions of these regulations, and filed with the County Recorder.
2. The division of any lot or any parcel of land into a subdivision, as defined in this Ordinance, by the use of metes and bounds description for the purpose of sale, transfer, or lease resulting in the creation of one (1) or more new building sites shall not be permitted. All such described divisions shall be subject to all of the appropriate requirements of this Ordinance.
3. Land to be subdivided shall be of such a character that it can be developed without peril to health, flood, fire, or other menace; and land shall not be subdivided until access to available existing public facilities, improvements, and proper provisions have been made for drainage, water, sewerage, other necessary new public improvements such as schools, parks, recreation facilities, and transportation facilities adequate for serving the subdivision.
4. No plat or re-plat of a subdivision of land located within the jurisdiction of the Commission shall be recorded until it has been approved by the Commission, and such approval shall have been entered in writing on the plat by the President and Secretary of the Commission.
5. No land shall be subdivided unless the intended use of the individual lot is in conformance with all provisions of this Ordinance and the Comprehensive Plan, now or hereafter adopted.
6. In all subdivisions, due regard shall be given to the preservation of historical sites and natural features such as large trees, water courses, and scenic views.
7. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
8. Conflict with Public and Private Provision:
  - a. Public Provisions: The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
  - b. Private Provisions: These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirement of these regulations, or the determinations of the Commission in providing a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions

shall be operative and supplemental to these regulations and determinations made thereunder. (Note: Private provisions can only be enforced privately, unless a public agency has been made party to such agreements).

9. No Improvement Location Permit or Certificate of Occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations; and, no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with Town construction standards.
10. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations.
11. These regulations shall not apply to the following:
  - a. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat.
  - b. A division of land into two (2) or more tracts for an agricultural use.
  - c. The unwilling sale of land as a result of legal condemnations as allowed under the provisions of Indiana Code.
  - d. Widening of existing streets to conform to the Comprehensive Plan, Thoroughfare Plan, or Capital Improvements Plan.
  - e. The acquisition of street rights-of-way by a public agency in conformance with the Comprehensive Plan, Thoroughfare Plan, or Capital Improvements Plan.
  - f. The exchange of land for the purpose of straightening property boundary lines which does not result in the change of the present land usage.

**E. Replats**

For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, area reserved thereon for public use, any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions, such change shall be approved by the Plan Commission by the same procedure, rules, and regulations as for a subdivision.

**8.2 ADMINISTRATION AND DEFINITIONS****A. Inspections and Permits**

1. The developer shall notify the Zoning Administrator or designated agent a minimum of one full business day (business days are Monday through Friday) prior to the planned installation of improvements with the development. The Administrator or designated agent will notify the appropriate personnel who shall have the responsibility for inspecting and testing street curbs, subbases, pavement depth and quality, sewer lines, water lines, utilities, and drainage improvements to see that they conform to the specifications of this Ordinance and to Town Construction Standards.
2. The Town of Ashley shall reserve the right to withhold Improvement Location Permits for the remaining ten percent (10%) of undeveloped lots in a final subdivision plat if the developer has failed to install all of the improvements shown on the Secondary Plat and Final Construction Plans, except for sidewalks. Sidewalks may be installed on each lot by individual builders upon development of individual lots.
3. The subdivider shall pay all fees and costs of the Town's Engineer in review of plats, plans, specifications, field inspection of improvements, and any other aspects of subdivision review.
4. The Commission shall settle disagreements by majority vote.
5. Fees shall be paid on a monthly billing cycle unless authorized otherwise by the Commission, in accordance with the Official Fee Schedule.

**B. Definitions**

All terms used in this chapter, not otherwise defined herein, shall have the definitions provided in Section 2 of this Ordinance.

**8.3 PROCEDURE****A. General**

1. In the development of subdivisions, the capacity of municipal utilities may be used to restrict the number of developable lots in any given subdivision proposal.

**B. Application for Subdivision**

1. The subdivider shall consult informally with the Zoning Administrator or designated agent and if applicable, the Town's Engineer, for advice and assistance before filing the application for a primary, secondary, or minor subdivision plat. At this meeting, the developer should submit a conceptual layout of the plat for review.
2. No application shall be accepted until all items detailed below have been completed and executed by the person proposing the subdivision, or his designee.
3. When the developer wishes to pursue the plat before the Plan Commission, he shall complete the requirements of Section 8.3 D and submit eight (8) copies of the proposed plat, and application to the Zoning Administrator or designated agent along with the appropriate fees as specified in the Official Fee Schedule. The Zoning Administrator or designated agent shall have twenty-five (25) days in which to review the documents and to determine if there are any deficiencies of the proposed plat.

The deficiencies, if any, shall be submitted to the developer in writing.

4. All deficiencies shall be corrected and four (4) copies of amended plat shall be submitted to the Zoning Administrator or designated agent twenty-five (25) days prior to the next regularly scheduled meeting of the Plan Commission or it will not be heard at that meeting.
5. Street names shall be proposed, but the Commission shall determine the final decision of the street names.
6. Upon placement on the agenda, and prior to the date of a public hearing, the Town's Engineer may review the proposal and prepare a written report to the Commission and applicant indicating a recommendation with regard to the subdivision being proposed.
7. The applicant shall pay any and all engineering fees as may be incurred in review of the application and inspection of the development of the subdivision.

**C. Notice of Public Hearing**

1. The Zoning Administrator or designated agent, upon receipt of the proper documents, shall set a date for a public hearing before the Commission. The developer shall assist the Zoning Administrator or designated agent in the preparation of a Notice of Public Hearing to be published in a local newspaper of general circulation. The legal notice shall appear in the newspaper ten (10) days prior to the date of the public hearing, and the cost of the notice shall be borne by the developer. A proof of publication shall be retained by the Zoning Administrator or designated agent.
2. A Notice of Public Hearing to property owners shall be sent by the Zoning Administrator or designated agent at the expense of the developer to all property owners directly adjacent to the boundaries of the property to be subdivided at least ten (10) days before the date of the public hearing on the primary plat. The property owners shall be notified by Certified Mail with Return Receipts Requested. An alternative method of notification would consist of an affidavit or proof of mailing in which the Zoning Administrator or designated agent certifies that he has personally delivered the Notice of Public Hearings to Property Owners and has obtained the signatures of each property owner to be notified. This affidavit shall be properly notarized.
3. Legal notices shall include the following:
  - a. The general location of the proposed subdivision and a legal description of the land contained therein.
  - b. That the primary plat is available for examination at the Office of the Ashley Clerk-Treasurer.
  - c. That a public hearing will be held giving the date, hour, and location of the hearing.
  - d. Written comments on the plat will be accepted prior to the public hearing and may be submitted to the Zoning Administrator or designated agent for the Plan Commission.
4. Legal notices shall comply with I.C. 5-3-1, et seq.

5. Proofs of publication, receipts of mailing, or proofs of mailing shall be retained by the Zoning Administrator or designated agent.
6. Names and addresses of property owners adjoining the subdivision site shall be presented to the Zoning Administrator or designated agent at the time the primary plat application is filed.

**D. Primary Plat Procedures**

1. The plat shall be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size. Other scales and/or sheet sizes are permitted if prior approval is granted by the Administrator or designated agent.
2. The primary plat shall be prepared and certified by a land surveyor registered by the State of Indiana.
3. The plat shall include a vicinity map showing the following:
  - a. Location of proposed subdivision.
  - b. Existing subdivisions and parcels of land adjacent to the proposed subdivision, including the names of the property owners.
  - c. Existing schools, parks, playground, or other similar public facilities that will serve the proposed subdivision.
  - d. All public thoroughfares/rights-of-way adjacent to the site.
  - e. Location and size of all utilities adjacent to the subdivision site, including sanitary and storm sewers, gas lines, electric lines, telephone lines, water mains fire hydrants, cable television lines, etc.
  - f. Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision.
  - g. All section and municipal corporate boundaries lying within or contiguous to the tract.
  - h. The location of any streets and alleys in the proposed subdivision showing the relationship of said streets to any existing or proposed streets in contiguous subdivisions or undeveloped property to produce the most advantageous development of the entire neighborhood.
  - i. The vicinity map may be prepared by indicating the data by notation on available maps of an appropriate scale.
4. Two copies of a primary subdivision plat shall be submitted showing the following:
  - a. The proposed name of the subdivision.
  - b. Names and addresses of the owner, subdivider, consulting engineer, land surveyor, or planning firm who prepared the plat.
  - c. Legend and notes, including a graphic scale, north point, and date.

- d. Tract boundary lines showing dimensions, bearings, angles, and references to section, township, range lines or corners, and existing bench marks.
- e. Topographic contours at typical intervals of two (2) feet if the general slope of the tract is less than 10 percent (10%), or intervals of five (5) feet if the slope is in excess of 10 percent (10%). Said contours shall be referenced to mean sea level elevations and to U.S. Geological Survey datum plane.
- f. Layout of lots, showing dimensions and numbers.
- g. Building lines showing setback dimensions throughout the subdivision.
- h. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community purposes.
- i. Existing and proposed streets and rights-of-way on and adjoining the site of the proposed subdivision showing the proposed names, roadway widths, types and widths of pavements, curbs, sidewalks, bikeways, jogging paths, and other recreational ways. This may be deferred to the Secondary Plat approval stage if permitted by the Zoning Administrator or designated agent.
- j. Existing and proposed easements including the location, width, and purpose of each easement.
- k. Location and size of utilities existing and proposed and on the site, including storm and sanitary sewers; water mains; electrical, telephone, and cable television lines; street lights; fire hydrants; and such other utilities as may be appropriate. NOTE: All proposed utility services must be underground; and all sump-pumps (excluding sanitary pumps for basements) must be connected to the storm sewer system or as permitted by the Commission. This may be deferred to the Secondary Plat approval stage if permitted by the Zoning Administrator or designated agent.
- l. Location of natural streams, regulated surface drains, legal ditches, flood plains, drain tiles, etc.
- m. A preliminary drainage plan showing the proposed storm water drainage system to an approved outlet. Data shall be included showing that said outlet is adequate to accommodate the drainage requirements of the finished development. The plan shall include surface drainage system, storm sewer systems, subsurface drainage systems, and storm water detention facilities. Arrows designating the general drainage of all streets and lots shall be included.
- n. Location of water courses, marshes, wetlands, wooded areas, isolated trees to be preserved, houses, barns, and other structures and significant features.
- o. Proposed sidewalks.
- p. Proposed decorative lighting.
- q. Type of drainage system(s) proposed to handle surface, underground, and runoff waters. The coefficient to be used for this determination shall be approved by the Town's Engineer.

- r. The existing excess capacity available from the Ashley Wastewater Treatment Plant; the nearest location to the building site of a trunk or connecting sewer line; and the expected demand of the development or building (numbers to be acquired from the Town).
  - s. Preliminary architectural drawings in sufficient detail to show building size, height, materials, types of units, and location of all buildings (existing and proposed) on the development site. This requirement may be waived by the Zoning Administrator or designated agent until Secondary Plat approval. In housing and large commercial developments, this information may not be available.
  - t. Proposed preliminary landscaping, signage, entrance to the development, screening, and attempts at preserving natural terrain and open space. The Plan Commission may request a landscaping/screening plan. This requirement may be waived by the Zoning Administrator or designated agent until Secondary Plat approval.
  - u. Estimated traffic count increase on adjacent streets resulting from the proposed development; description of type and condition of roads to serve such development; total number of motor vehicles expected to use or be stationed in such development; and on and off-site parking to be supplied. A full traffic impact study or other detailed engineering studies need not be conducted unless requested by the Administrator or designated agent at initial, informal meetings.
  - v. Photographs may be requested by the Zoning Administrator or designated agent for specific areas or elements on or surrounding the site.
  - w. If the primary plat is to be divided into sections or phases of development, the boundaries and numbers of such sections shall be shown, and a conceptual plan for the entire subdivision shall be submitted as a Phasing schedule. Due to fluctuations in the economy, the Commission may give some flexibility to revisions to the phasing schedule throughout the process of development.
  - x. Soil map of the site from the Soil Conservation Service.
  - y. Proposed development schedule.
5. The primary plat and application for approval shall be accompanied by a certified check or money order in an amount specified in the official fee schedule of the Town of Ashley as maintained in the Office of the Clerk-Treasurer.

#### **E. Primary Plat Approval**

After submission of the primary plat and application, the Commission shall have twenty-one (21) days to review the information and accept the primary plat and application, or return them to the subdivider with a list of additional information needs or suggested changes. No application will be considered at a meeting unless it is filed with the Commission at least twenty-five (25) days before the date of such meeting.



1. Hearing

After acceptance of the preliminary plat and application by the Commission, the Commission shall set a date for a hearing, notify the applicant in writing, and notify by general publication or otherwise, any person or governmental unit having a probable interest in the proposed plat. The cost of publication of the Notice of Hearing shall be met by the applicant.

2. Approval

- a. If the Plan Commission determines in the public hearing that the primary plat complies with the standards set forth in this Ordinance, it shall make written findings and a decision granting primary approval to the plat. This information shall be sent to the developer in a letter certified by the Zoning Administrator or designated agent.
- b. Approval of a primary plat by the Commission is strictly tentative, involving merely the general acceptability of the layout submitted.
- c. The Commission may introduce such changes or revisions as are deemed necessary in the best interest and general welfare of the community, or request that additional information be provided or addressed by the applicant prior to review of the secondary plat.
- d. The primary approval of a plat by the Plan Commission shall be certified on behalf of the Plan Commission by the Zoning Administrator or designated agent, who shall state the approval in a letter and affix his signature to it.

3. Disapproval

- a. If the Commission disapproves a primary plat application, the Commission shall make written findings and notify the applicant in writing, stating the specific reasons for disapproval. This written notice shall be certified by the Zoning Administrator or designated agent.
- b. The applicant may submit a new application for primary plat approval but must pay all applicable fees as if it were an original application.

**F. Secondary Plat Procedure**

1. After approval of the primary plat by the Commission and fulfillment of the requirements of this Ordinance, eight (8) blackline or blue-line reproductions of the secondary plat of the subdivision shall be submitted to the Commission along with one (1) reproducible mylar transparency. All secondary plats shall be drawn at the same scale as the primary plat and shall be drawn on a sheet twenty-four (24) inches by thirty-six (36) inches in size, unless otherwise authorized by the Commission.
2. If the Commission approves the secondary plat, it shall place a certification thereof on the reproduced copies. Upon the final approval of the plat, one (1) copy of the certified plat shall be forwarded to each of the following persons by the developer:
  - a. County Auditor and Recorder
  - b. Any corporate utility company that may be affected

- c. Subdivider or applicant
  - d. File of Commission
  - e. County Surveyor
  - f. Zoning Administrator or designated agent
3. The secondary plat may include all or only a part of the primary plat, which has received approval and shall be prepared and certified by a land surveyor registered by the State of Indiana. If the secondary plat does not contain all of the land approved on the primary plat, it shall be designated by a section number in a numerical order.
4. The following information shall be shown on or submitted with the secondary plat:
- a. Accurate boundary lines, with dimensions and angles, which provide a legal survey per state statute.
  - b. Accurate distances and directions to the nearest official monuments. Reference corners shall be accurately described on the plat.
  - c. Accurate locations of all existing and recorded streets that intersect the boundaries of the tract.
  - d. Accurate metes and bounds description of the tract boundary.
  - e. Source of title of applicant to the land as shown by the last entry in the books of the County Auditor.
  - f. Name of subdivision followed by the words "Secondary Plat."
  - g. Name and address of the owner and subdivider.
  - h. North point, graphic scale, and date.
  - i. Proposed street names.
  - j. Complete curve table for all curves included in the plat.
  - k. Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines. Radii, points of curvatures, tangent bearings, and lengths of all arcs of street lines shall be provided.
  - l. Lot numbers and dimensions including the square footage of each lot.
  - m. Accurate locations of easements, descriptions of their use, and any limitations on such semi-public or community use.
  - n. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use, including sidewalks, bikeways, and other recreational ways.
  - o. Building lines and setback dimensions throughout the subdivision.

- p. Location, types, material, and size of all monuments and markers.
- q. Construction plans and specifications for all improvements required by this Ordinance or the Commission.
- r. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
- s. Certification by a registered land surveyor.
- t. Certification by the owner(s) and lien holder(s) (if any) of dedication of streets and other public property, and an agreement executed by the owner(s) and subdivider(s) to make and install all improvements in accordance with the plans and specifications approved by the Commission and accompanying the secondary plat.
- u. Certificate of approval by the Ashley Plan Commission, if approved.
- v. Certificate of approval by the Ashley Town Council, if approved.
- w. A final landscaping/buffering plan shall be incorporated in the secondary plat design plans and a phasing schedule of landscaping/buffering improvements.
- x. Any other information or data requested by the Commission during primary plat approval or otherwise necessary to clarify conditions and terms of secondary plat approval.

**G. Secondary Plat Approval**

1. Within thirty (30) days after application for approval of the secondary plat, the Commission shall approve or disapprove it. If the Commission determines that the plat complies with the standards of this Ordinance, it shall make written findings and render a decision regarding secondary approval to the plat. No notices of public hearing shall be required for secondary plat approval.
2. The secondary approval of the plat by the Plan Commission shall be certified on behalf of the Plan Commission by the President and Secretary who shall affix their signatures to the plat original and all other relevant documents which also may require such signatures.
3. If the Plan Commission disapproves the secondary plat, it shall make written findings and notify the applicant in writing, stating the specific reasons for disapproval. This written notice shall be signed by the President and Secretary of the Plan Commission.
4. Approval of the secondary plat shall be effective for a maximum period of twelve (12) months from the date of approval. Failure to obtain approval from the Commission, record the plat with the County Recorder, and commence construction of the subdivision within the twelve (12) month period, shall result in denial of building permits until an extension or re-submittal of application is made. For the purpose of this chapter, "commencing construction" means completion of the construction survey and staking.
5. A certificate of secondary plat approval shall not be signed until a performance bond or proof of surety has been submitted to the Plan Commission if required.

6. No Improvement Location Permit shall be issued by the Zoning Administrator or designated agent, or his agent, for any structures on any subdivision lots prior to the recording of said subdivision by the County Recorder.
7. No Certificate of Occupancy shall be issued by the Zoning Administrator, or his agent, for any structure on any subdivision lots prior to installation and completion of all facilities, including grading, as shown on the development plans and approved by the Commission; except that in the case of an asphalt road surface, the installation of the final surface coat may be postponed until the end of the maintenance period. The final coat of asphalt shall be installed prior to acceptance of the road for public maintenance.
8. A plat of subdivision may not be filed with the County Auditor, and the County Recorder may not record it unless it has been granted secondary approval by the Plan Commission and has been properly signed by the President and Secretary of the Commission. The filing and recording of the plat is without legal effect unless approved by the Plan Commission.
9. The subdivider shall supply one (1) copy of the recorded plat to the Zoning Administrator or designated agent.

#### H. Construction Plans

1. It shall be the responsibility of the subdivider of every proposed subdivision to have prepared and certified by a land surveyor or engineer registered in the State of Indiana, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities.
2. The final construction plans shall be based on preliminary plans which have been approved with the primary plat and shall be prepared and submitted in conjunction with the secondary plat. The plans shall show the following:
  - a. General construction plans shall be prepared for all required improvements. Plans shall be drawn on standard twenty-four (24) inch by thirty-six (36) inch sheets at a scale of no less than one (1) inch equaling fifty (50) feet, and map sheets shall be the same size as the secondary plat.
  - b. Topographic contours at intervals of one (1) foot if the general slope of the tract is less than five percent (5%) or intervals of two (2) feet if the slope exceeds five percent (5%). Contours shall be referenced to USGS datum plane.
  - c. Profiles showing existing and proposed elevations along centerlines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the centerline of the existing street or streets within one hundred (100) feet of the intersection. Radii of all curves, lengths of tangents, and central angles on all streets shall be shown.
  - d. The Plan Commission may require, where steep slopes exist, the cross-sections of all proposed streets.
  - e. Plans and profiles showing the location and typical cross-section of streets including curbs, gutters, sidewalks, rights-of-way, drainage facilities, manholes, and catch basins. Plans shall show the location, size, and invert elevations of existing and proposed sanitary sewers, stormwater drains, water lines, gas, and fire hydrants, showing connection to any existing or

proposed utility systems.

- f. Location, size, elevation, and other appropriate descriptions of any other existing physical and natural features or facilities including wetlands, trees, the points of connection to proposed facilities and utilities, and the approximate high- and low-water elevations of all ponds, lakes, and streams. All elevations shall be referenced to the USGS datum plane.
- g. Upon completion of the construction, the developer's engineer or land surveyor shall provide the Plan Commission with a set of "as built" construction plans showing the location, dimensions, and materials used to construct all improvements within the subdivision.

#### I. Minor Plats

1. The division of a tract of land into six (6) residential parcels or less, fronting upon an existing street and needing no new street or infrastructure, may be approved as follows:

The minor plat shall be subject to the same basic procedures as any other subdivision, provided that the Zoning Administrator or designated agent may determine in advance of the filing of an application the details to be required on the plat.

2. The intent of this Section is to eliminate redundant requirements for minor plats which do not necessitate all of the detail of larger plats. However, the intent of this Section is not to circumvent good subdivision practices; therefore, the use of this procedure shall be limited to the creation of six (6) or fewer new parcels from any tract of land under five (5) acres in size and under single ownership at the time of adoption of this Ordinance.

## 8.4 SURETY

### A. Performance Bonds

1. At the time when the Secondary Plat is approved by the Plan Commission and before the plat is signed by the officers of the Plan Commission or is recorded, the subdivider shall file a performance bond or irrevocable letter of credit with the Clerk-Treasurer and the Town Council. The performance bond or letter of credit shall:
  - a. Be drawn in favor of the Town of Ashley.
  - b. Be in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with this ordinance. The subdivider's engineer shall supply an estimate of the cost of improvements and installation on the project to aid the Commission in its determination of the amount of the bond. The engineer's estimate, however, shall not be binding upon the Commission.
  - c. Be with surety satisfactory to the Commission and Town Council.
  - d. Comply with all statutory requirements and shall be satisfactory to the Plan Commission's Attorney as to form, sufficiency, and manner of execution as set forth in these regulations.

- e. Extend for two (2) years, or 80% complete or as specified by the Commission in the resolution approving the secondary subdivision plat.
  - f. Cover the installation costs of the streets, sanitary sewers, water lines, curbs, street signs, sidewalks, and other recreational amenities, surface swales, subsurface and storm drainage systems, seeding/erosion control, landscaping, and other public improvements.
2. The Plan Commission may, upon proof of difficulty, recommend to the Town Council extension of the completion date set forth in such bond for a maximum period of one (1) additional year. The Town Council may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the Plan Commission's Attorney. The Town Council shall have the authority to increase the bond amount to cover increased costs.
  3. All required improvements shall be made by the applicant, at his expense, without reimbursement by the local government or any improvement district therein.
  4. The subdivider shall be required to maintain at his expense a licensed civil engineer or engineering firm to manage the construction of the subdivision improvements. The managing engineer shall certify that the subdivision construction is in compliance with the detailed construction plans submitted to the Plan Commission during the review of the secondary plat. The developer shall submit progress reports to the Zoning Administrator or designated agent as substantial steps are completed and should notify the Zoning Administrator or designated agent when important work has been scheduled so that an inspection can be made. A final report shall be submitted to the Plan Commission and the Town Council by the developer or his engineer.
  5. If the Zoning Administrator or his authorized representative finds upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications, the applicant shall be responsible for correcting any errors in construction and completing the improvements in accordance with such standards and specifications. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.
  6. If a secondary plat is divided into sections, the Plan Commission may allow for performance bonds to be submitted to cover only the cost of improvements to be constructed in each section.

**B. Release of Performance Bond**

1. The Town Council and the Board of Works shall not accept dedication of required improvements nor release or reduce the performance bond amount until the Town Engineer has submitted a final inspection report of the subdivision. The engineer shall certify that the layout of the public improvements has been completed, properly inspected, and is ready for acceptance into the Town's system.
2. The Town Council, upon approval of the inspection report from the Town's Engineer, shall pass a resolution accepting the improvements in the subdivision and formally releasing the performance bond.

3. In those cases where a performance bond has been posted and required improvements have not be installed within the terms of such performance bond, the Town Council may thereupon declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

**C. Other Forms of Surety**

1. The developer shall provide the Town with a maintenance bond equal to ten percent (10%) of the total construction cost of streets, sidewalks, curbs, water system installations, sanitary sewer system installations, and drainage installations. Such maintenance bond shall be for a minimum term of three (3) years from the date of acceptance of the covered installations by the Town.
2. The subdivider may provide the Town Council with other liquid assets in an amount equal to the required performance and maintenance bonds. Such liquid assets may include a cash escrow account, certificate of deposit, irrevocable letter of credit, money market accounts, etc., so long as the proper documents are presented by the subdivider to the Town Council giving said Council proper signatory access to the funds upon default.
3. Should the subdivider be required to extend site improvements to the subdivision such as extensions of water and sewer lines owned by the Town of Ashley which may provide benefits to other properties in the vicinity of the proposed subdivision, then the subdivider and the Town Council may, by contract, agree that the other property owners in the vicinity of the subdivision who wish to connect to or utilize the installation provided by the subdivider shall pay the Town over a ten (10) year period a fee in an amount agreed to by the contract and that portion of said fee shall be rebated to the subdivider in annual installments. All agreements, as well as a map showing the specific lots or areas included shall be recorded at the Office of the County Recorder.

After the installation of any utility by the developer, an expiration date of fifteen (15) years shall be maintained. Thus, after fifteen (15) years from the time of completion, no monies shall be paid to the developer.

## 8.5 PRINCIPLES AND STANDARDS OF DESIGN

**A. General**

1. The subdivision layout shall be of such a character that it protects the health, safety, and general welfare of the residents in the jurisdiction of the Plan Commission.
2. Whenever a proposed subdivision borders an existing street, the Commission may require the reconstruction or widening of such street as a condition of plat approval. Additional dedication of right-of-way may also be required.
3. In designing and approving subdivision streets, the following factors shall receive consideration:
  - a. Accessibility for emergency vehicles and school buses;
  - b. Safety for both vehicular and pedestrian traffic;
  - c. Efficiency of service for all users;
  - d. Livability or amenities as affected by traffic elements in the circulation system; and

- e. Economy of both construction and use of land.
4. The designs of single family homes and their aesthetic appearances are encouraged to conform to the following guidelines:
- a. No two homes within two hundred fifty (250) feet of one another's property and on the same street shall be of the same or relatively the same design unless separated by two homes.
  - b. Mirroring of a design or floor plan is considered to be a duplication of design and will not be permitted.
  - c. The determination of Arelatively the same design≅ if in question shall be determined by vote of the Commission.
  - d. In some instances, similar floor plans may be considered to not be of the same or relatively the same design if substantial aesthetic differences are incorporated. Such substantial differences may include several of the following: roof pitch, architectural style, exterior material, design elements, color, landscaping, and orientation to the site.
5. When there is a situation of unusual physical conditions or a controlled design environment in evidence, and it can be satisfactorily demonstrated to the Commission that a private street is the only feasible solution, said private streets may be authorized provided pavement construction standards shall be the same as the minimum public standards, and adequate covenant provisions are made for direct responsibility and control by the property owners involved to provide for the perpetual operation, liability, and maintenance of said private streets at no expense to the Town of Ashley.

In addition to the requirements established herein, all subdivision plats shall comply with the following rules, laws, and regulations:

- a. All applicable statutory provisions.
- b. The local zoning ordinances, building and housing codes, and all other applicable laws of the appropriate jurisdiction.
- c. The general intent of the Comprehensive Plan of the Town of Ashley, including all public facilities, open space, and recreation plans, as adopted.
- d. The rules and regulations of the Indiana Department of Environmental Management, the Natural Resources Commission, Aeronautics Commission, County Drainage Board, and other appropriate state agencies.
- e. The rules, regulations, and standards of the Indiana Department of Transportation if the subdivision or lot contained therein abuts a State highway.
- f. All applicable planning and regulatory guidelines, including access control, driveway manuals, parking and traffic control ordinances, and other applicable guides published by the local governmental units.
- g. The AIndiana Manual of Uniform Traffic Control Devices≅ for installation of traffic control devices.



**B. Street Standards**

1. The street and alley layout shall provide adequate vehicular and pedestrian access to all lots and parcels of land within the subdivision, and where streets cross other streets. Streets shall conform to the following principles and standards.
  - a. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
  - b. Residential street systems shall be designed to minimize through traffic movement, but 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 vicinity.
  - c. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.
  - d. Residential street patterns shall provide reasonably direct access to the primary circulation system.
  - e. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. A street should be approximately at right angles for at least one hundred (100) feet therefrom.
  - f. Not more than two (2) streets shall intersect at any one (1) point, unless specifically approved by the Plan Commission.
  - g. Proposed new intersections along one (1) side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be permitted except where the intersected street has separated, dual drives, without median breaks at either such intersection. Where local streets intersect with arterial or collector streets, their alignment shall be continuous.
  - h. The minimum rights-of-way for new streets shall be as follows:

<u>Type of Street</u>	<u>Right-of-Way Width</u>
Local Streets	Fifty (50) Feet
Collector Streets	Eighty (80) Feet
Arterial Streets	Eighty (80) Feet

All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet and minimum roadway diameter of eighty (80) feet. Cul-de-sac streets shall not be longer than five hundred (500) feet, unless the Plan Commission shall determine after public discussion that a greater distance better serves the interest of public health, safety, and welfare; including traffic flow considerations; such distance to be measured from the center of the turning circle to the intersection of the centerline of the cul-de-sac street and the centerline of a through street provided, however, that if the residential streets within the subdivision has only one (1) intersection with a through street, the entire subdivision shall be considered a cul-de-sac and the distance shall be measured from the point of intersection of the subdivision street and the through street.

- i. A temporarily dead-ended street shall be permitted in any case in which a street is proposed to be and should logically be extended but is not yet constructed. An adequate easement for a turn-around shall be provided for any such temporary dead-end street which extends two hundred (200) feet or more in length. Such easement shall be automatically vacated to abutting property owners when said dead-ended street is legally extended.
- j. At the intersection of any proposed residential street with any existing street, acceleration and deceleration lanes, and passing or left turn lanes may need to be provided in accordance with standards established by the handbook, *A Policy of Geometric Design of Highways and Streets*, by the American Association of State Transportation and Highway Officials.
- k. All street construction shall conform to adopted Municipal Standards.

**C. Block Standards**

1. Block length and width or acreage within bounding streets shall be such as to accommodate the size of lot required by the Zoning Ordinance for the district in which the subdivision is to be located, and to provide convenient access, circulation control, and safety of street traffic. Blocks that do not provide for such function will not be approved.
2. Residential blocks should not exceed one thousand, five hundred (1,500) feet in length. In the design of blocks longer than eight hundred (800) feet, the Commission may specify the provision of pedestrian crosswalks near the center of the block, or wherever would be most useful to facilitate pedestrian circulation to a school, park, recreation area, shopping center, or other significant neighborhood destination. Minimum length of blocks shall be three hundred (300) feet.
3. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate length. Exceptions to this prescribed block width shall be permitted in blocks adjacent to minor transportation facilities, watercourses, and industrial and commercial areas.

**D. Lot Standards**

1. Lot dimensions shall comply with minimum standards as specified in Section 5.2 of this Ordinance.
2. Double frontage lots shall be prohibited except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.
3. The lot size, width, depth, shape, grade location, and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.
4. All lots shall abut on a public street except where a private street has been specially approved under Section 8.5 of this Ordinance.
5. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this requirement is permissible, but pointed or very irregular lots should be avoided.
6. Building setback lines shall conform to the provisions of Section 5.2 of this Ordinance.