

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 "A 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 or 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.

7. Lots abutting a watercourse, drainage way, channel, stream, or flood plain shall have additional minimum width or depth as required to provide an adequate building site, accommodate the full width of necessary easements, and conform to the minimum yard requirements specified in Section 5.2 of this Ordinance.
8. Vehicular access from lots to minor or major arterial streets may be prohibited. Vehicular access from lots to collector streets may be prohibited if the Design Hour Volume is determined by the Zoning Administrator or designated agent or Town's Engineer to be excessive.

E. Easements

1. Easements to permit access for maintenance and repair of surface and subsurface drainage improvements and utility installations, shall be provided on the final copies of the Primary Plat, Secondary Plat, and Construction Plans. Location of easements shall be reviewed by the Town's Engineer and representatives of local utility companies.
2. Easements shall be a minimum of fifteen (15) feet in width, shall provide continuity from block to block, and shall be located along rear, side, or front lot lines, one-half (2) the width of the easement shall be taken from each lot. In the case of lots extending to the boundary of the lands platted and not adjoining another plat, the full width of the easement shall be provided on such peripheral lots.
3. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, the subdivider shall designate drainage easements on both sides of the watercourse, the width to be determined by the Plan Commission; and in the case of a legal drain, the County Drainage Board.
4. When a proposed drainage system shall carry water across private lands outside the subdivision, appropriate drainage rights must be secured by the subdivider and indicated on the plat. Appropriate legal documentation must be submitted.

F. Open Space

1. If a proposed development will include at least 40 dwelling units (in one phase or a combination of phases), the subdivider shall be required to plat a minimum of one (1) acre of open space for each forty (40) dwelling units to be constructed when the gross density of such development is 2.5 dwelling units per acre or greater. A dwelling unit shall be defined as a single-family home, condominium, or apartment/rental unit.
2. The subdivider shall permanently dedicate the open space acreage for public use. The land may be deeded by the subdivider to the Town of Ashley, the School Corporation, local service clubs, or to a duly organized homeowner's association within the subdivision. The Plan Commission shall have final approval as to the use of dedicated open space. If not deeded to the Town, the Town of Ashley shall have no maintenance responsibilities for such open space.
3. Easements, crosswalks, and road frontage to provide public access to the open space shall be shown on the Secondary Plat.
4. Existing natural features that add value to residential development and enhance the attractiveness of the community shall be preserved in the design of the subdivision and may be incorporated into dedicated open space.

G. Subdivision and Street Names

1. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Plan Commission shall have final authority to approve the name of the subdivision which shall be determined at the time of the preliminary plat approval.
2. Street names shall not duplicate any existing name within the area covered by these regulations except where a new street is a continuation of an existing street. Street names that may be spelled different but sound the same as existing streets shall not be used.
3. The Plan Commission shall have final authority to name all streets (in case of conflicts) at the time of preliminary plat approval.

H. Mobile Home or Manufactured Housing Parks

In addition to complying with the standards and procedures of Sections 5 and 8 herein, all mobile home or manufactured home parks shall be constructed in accordance with the following minimum requirements:

1. Mobile home or manufactured home parks shall meet the requirements as set forth in the Indiana Mobile Home Parks Act of 1955, as amended, and all applicable Indiana State Board of Health Regulations.
2. Each mobile home or manufactured home lot shall be provided with municipal water and sewage, and be connected to electricity.
3. The minimum area of a mobile home or manufactured home park shall be fifteen (15) acres with frontage along or having access via a private drive to a major thoroughfare.
4. The minimum area of a mobile home or manufactured home lot shall be five thousand (5,000) square feet.
5. The minimum mobile home or manufactured home lot width shall be fifty (50) feet except around cul-de-sacs where the minimum frontage accepted shall be twenty-five (25) feet provided that thirty (30) feet, on a radial, from the pavement edge the lot width is fifty (50) feet.
6. Except at established entrances and exits serving the mobile home or manufactured home park, a dense green belt of evergreen trees and/or shrubs, not less than six (6) feet high after one full growing season and which, at maturity, is not less than twelve (12) feet high, or other visual buffer as may be approved by the Plan Commission, shall be located and effectively maintained at all times along the boundary of the mobile home or manufactured home park.
7. The mobile home or manufactured home park shall be adequately lighted as determined by the Zoning Administrator or designated agent.
8. The minimum distance between any two (2) structures shall be ten (10) feet at any one (1) point and average at least twenty (20) feet the entire length or width of each structure. Each structure shall be at least ten (10) feet back from the edge of the pavement of a private roadway within the park and at least twenty (20) feet from the property line of the mobile home or manufactured home park.

9. Each mobile home or manufactured home shall be provided with a foundation designed to support the maximum anticipated loads during all seasons and approved by the Town's designated inspector.
10. No structure shall be closer to a public right-of-way than forty (40) feet.
11. There shall be provided at least two (2) vehicle parking spaces per mobile home or manufactured home lot within the mobile home or manufactured home park with a minimum of twenty-five (25) spaces provided.
12. All roads within a mobile home or manufactured home park must have a concrete or hot or cold bituminous asphalt surface of at least twenty (20) feet in width, with the entrance roads having a width of at least thirty (30) feet. Construction of all streets shall be in accordance with Section 8.6.A.9.
13. An area equaling at least two hundred fifty (250) square feet per mobile home or manufactured home lot shall be provided in one (1) or more locations on the premises for recreation purposes. The minimum of such recreation area(s) shall be twenty thousand (20,000) square feet or the above, whichever is greater.
14. Each mobile home or manufactured home park shall provide waterproof storage structures for each mobile home or manufactured home by providing one (1) on each lot or one (1) central waterproof structure with one (1) space per lot.
15. The mobile home or manufactured home park shall be designed so as not to increase the stormwater run-off to adjoining property that will result from the development. Curb and gutter shall be required in accordance with Section 8.6.C.2.
16. Concrete sidewalks, a width of four (4) feet minimum, shall be constructed and located in such a manner as to provide access from all lots to all common use areas in the park. Also, sidewalks must be provided from all entrances to mobile homes and manufactured homes to adjacent streets and/or sidewalks.
17. All mobile home and manufactured homes shall be properly secured, anchored and approved by the Town's designated inspector.
18. There shall be a sufficient off-street storage area for trailers, boats, etc. located in a common use area in the park.
19. Each mobile home or manufactured home shall be enclosed with foundation siding that is weather resistant, noncombustible, or self-extinguishing materials that blend with the exterior siding of the home.

8.6 STANDARDS FOR IMPROVEMENTS AND INSTALLATIONS

A. Street Improvements

1. Streets shall be completed to grades shown on the Construction Plans drawn by the subdivider's professional engineer or land surveyor and approved by the Plan Commission.
2. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) grade at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

3. At intersections of streets or alleys, property line corners shall be rounded by arcs of at least twenty (20) feet radii or by chords of such arcs. Arterial and all streets in commercial and industrial subdivisions shall have a minimum curb radius of thirty (30) feet. Collector streets shall have a minimum curb radius of twenty-five (25) feet. Local streets shall have a minimum curb return radius of twenty (20) feet.

4. If the smaller angle of intersection of two (2) streets is less than sixty (60) degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Commission.

5.
 - a. Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the centerline as follows:

(1)	Arterial Streets	500 feet
(2)	Collector Streets	300 feet
(3)	Local Streets	150 feet

 - b. Curvature measured along the centerline shall have a minimum radius as follows:

(1)	Arterial Streets	500 feet min.
	(or as determined by design speed standards)	
(2)	Collector Streets	300 feet
(3)	Local Streets	150 feet

 - c. Between reversed curves there shall be a minimum tangent distance as follows:

(1)	Arterial Streets	100 feet
(2)	Collector Streets	40 feet
(3)	Local Streets	40 feet

6. Maximum/minimum grades for streets shall be as follows:
 - a. Arterial Streets - not greater than six percent (6%).
 - b. Collector Streets - not greater than eight percent (8%).
 - c. Local Streets - not greater than eight percent (8%).
 - d. Minimum grade for all streets is four-tenths percent (0.4%).

7. Before any performance bond covering a street installation is released, the Plan Commission, Town Council, or the Town's Engineer may request that core borings of the street be done at the subdivider's expense. Cores shall be sent to an independent testing laboratory for analysis.

8. A developer may request permission of the Plan Commission to delay the installation of the one- (1) inch surface layer of asphalt until the binder layer of asphalt has had a sufficient time period to prove its durability under the stress of heavy construction traffic. The developer shall be required to submit a separate performance bond to cover the cost of the installation of the one- (1) inch surface layer of asphalt.

9. Design Requirements of Street Pavements:

- a. Streets shall be constructed in accordance with the following minimum specifications:

Alternative	Arterial	Collector	Local
BITUMINOUS PAVEMENT & STONE BASE			
#2 Compacted Aggr. Base	6 Inches	6 Inches	6 Inches
#53 or #73 Compacted Aggr. Base	4 Inches	4 Inches	4 Inches
220 lb/S.Y. #9 Asphalt Binder	3 Inches	3 Inches	3 Inches
110 lb/S.Y. #11B Asphalt Surface	1 Inch	1 Inch	1 Inch
FULL-DEPTH ASPHALT PAVEMENT			
Asphalt Base	550 lb/S.Y.	550 lb/S.Y.	440 lb/S.Y.
#9 Asphalt Binder	330 lb/S.Y.	330 lb/S.Y.	220 lb/S.Y.
#11B Asphalt Surface	140 lb/S.Y.	140 lb/S.Y.	140 lb/S.Y.
CONCRETE PAVEMENT			
#73 Compacted Aggr. Base	4 Inches Min.	4 Inches Min.	4 Inches Min.
Unreinforced Concrete Pavement	8 Inches	8 Inches	8 Inches

- b. The earth or stone sub-base beneath the concrete street and the stone sub-base beneath the flexible asphalt street shall be compacted to meet established municipal standards.
- c. Subsurface drainage tile shall be placed under the street base where the subdividers engineer or the Town's Engineer has determined that wet or unstable soil conditions exist.
- d. All materials shall be furnished and installed in accordance with Standard Specifications, Indiana Department of Transportation, latest edition.

10. Dimensional Requirements of Street Pavements

Street Type	Minimum Street Width (Feet)	Minimum Dedicated Right-of-Way Width (Feet)
Arterial	30	80
Collector	30	80
Local	30	60

- b. Street width is measured from back to back of a two- (2) foot wide curb and gutter located on each side of the street unless otherwise approved.

B. Stormwater and Subsurface Drainage

1. The subdivider shall provide the subdivision with an adequate stormwater sewer system whenever curbs and gutters are installed and whenever the evidence available to the Commission indicates that natural surface drainage is inadequate. When the surface drainage is adequate, easements for such surface drainage shall be provided. Curbs and storm drains along both sides of all streets are required in all subdivisions.
2. The stormwater drainage system shall be separate and independent of any sanitary sewer system.
3. Storm drainage facilities shall be located in the street right-of-way, where feasible, or in perpetual, unobstructed easements of appropriate width, and shall be constructed in accordance with the details on the Construction Plans provided by the subdivider's engineer or as approved by the Plan Commission.
4. Storm sewer inlets shall be provided at all low points and so that surface water is not carried across or around any intersection, nor for a distance of more than three hundred (300) feet in the gutter or as may be approved by the Town's Engineer.
5. It is the responsibility of the subdivider to keep all major watercourses, drainage systems, etc., not under the jurisdiction of any public agency, open and free flowing.
6. Drainage facilities shall be capable of accommodating peak runoff from a ten- (10) year return period storm or greater intensity, without endangering the public safety, health, or causing significant damage to property.
7. Design Calculations: Design calculations are required as part of the drainage plan and shall specifically include:
 - a. Estimate of stormwater runoff:
 - (1) Drainage map, including indication of drainage patterns for lots and blocks of areas affecting the proposed development site.
 - (2) Weighted runoff coefficient computations.
 - (3) Time of concentration computation indicating overland flow time and travel times in swales, gutters, pipes, and/or channels.
 - b. Closed conduit and open channel design computations:
 - (1) Size of pipe or channel cross-section.
 - (2) Pipe and channel slopes in percent.
 - (3) Roughness coefficient.
 - (4) Flow velocities in feet per second.
 - (5) Design capacity in cubic feet per second.
 - (6) Pipe and channel invert elevations.

- c. Head loss computations in manholes and junction chambers.
 - d. Hydraulic gradient computations, wherever applicable.
8. On-site drainage facilities shall be designed to accommodate:
 - a. The water runoff from the parcel after development;
 - b. The present water runoff from developed areas upstream;
 - c. the present peak water runoff from undeveloped areas upstream;
9. Each applicant or other entity which makes any surface change shall be required to:
 - a. Collect on-site surface runoff and springs and dispose of it to the point of discharge into an adequate outlet approved by the Town's Engineer.
 - b. Pay his proportionate share of the total cost of off-site improvements to the common natural watercourse.
 - c. Provide and install at his expense, in accordance with the requirements of the Ordinance, all drainage and erosion control improvements.
10. The subdivider shall provide a subsurface drainage system, below curbs, to be placed along both sides of the subdivision streets and wherever else within the subdivision that it is determined to be necessary. The purpose of the subsurface piping system is to provide drainage for the street sub-base. The subsurface drainage system shall discharge to the storm sewer system or to the surface drainage system upon approval from the Town's Engineer. No subsurface drainage system connections will be permitted to the sanitary sewer system.
11. It is illegal for sump pumps, downspouts, or foundation drains to outlet directly to the street or into the right-of-way of the street, or to be connected to the sanitary sewer.
12. Plans for stormwater drainage shall include details for stormwater detention and retention. Detention facilities shall be designed using the following guidelines to limit the peak discharge from a development.
 - a. For developments with a drainage area (tributary to stormwater detention facilities) equal to or greater than ten (10) acres, peak discharge from the detention facility shall be limited to the five- (5) year pre-developed frequency storm peak discharge, with a duration equal to or slightly greater than the time of concentration for the drainage area, or the twenty-four (24) hour duration storm, whichever provides the lesser peak discharge.
 - b. For developments with drainage area (tributary to detention facilities) less than ten (10) acres, peak discharge from the detention facility shall be limited to the ten (10) year period pre-developed frequency storm peak discharge, with the same duration criteria provided in item a. above.
 - c. The five (5) year/ten (10) year peak discharge shall be based on land use conditions prior to development, using corresponding runoff coefficients, time of concentration, and other basin parameters.

- d. Inflow (runoff) to all stormwater detention facilities shall be determined using a one hundred (100) year twenty-four (24) hour storm to develop an inflow hydrograph.
- e. The one hundred (100) year twenty-four (24) hour peak discharge (and inflow hydrograph) shall be based on land use conditions representing fully developed conditions, using corresponding runoff coefficients, time of concentration, and other basin parameters.
- f. A routing procedure shall be used to demonstrate that the stormwater detention facility will reduce the one hundred (100) year peak discharge, from the developed area, to a peak discharge equal to or less than five (5) year/ten (10) year peak discharge using the pre-developed conditions.
- g. The results of the routing procedure shall demonstrate that adequate storage volume has been provided. The detention facility shall not be overtopped from the one hundred (100) year twenty-four (24) hour storm event, and shall have a minimum freeboard of two (2) feet between the maximum routed pool elevation and the top of the facility embankment.
- h. An emergency spillway shall be provided to discharge flow resulting from pool elevations greater than the one hundred (100) year twenty-four (24) hour pool elevation. The spillway shall have a minimum size adequate to pass the routed one hundred (100) year twenty-four (24) hour storm (assuming that the primary spillway is plugged and non-functional) without overtopping the detention facility embankment. The elevation of the emergency spillway shall not be placed lower than the routed one hundred (100) year twenty-four (24) hour pool elevation.
- i. Erosion protection shall be provided for the primary outlet and emergency spillway so that the detention facility embankment will be adequately protected. Location of the emergency spillway shall be in undisturbed material, unless otherwise approved by the Town's Engineer.
- j. The minimum allowable size for the primary outlet conduit, from the detention facility, shall be twelve (12) inches. If further restriction of the outlet conduit is required, the restriction shall be made at the head end of the outlet conduit.
- k. In those instances where the discharge velocity from the primary outlet or emergency spillway is greater than 6fps or excessive in the opinion of the Town's Engineer, energy dissipation may be required.
- l. Detention facilities, which are designed to have dry bottoms, must be designed to include under-drains, to drain the bottom of the detention facility, so that the facility can be maintained. Also, the bottom of the facility shall be designed to have longitudinal and traverse grade to the outlet, so that the facility will empty, leaving no ponded water.
- m. Methodology for developing peak discharge hydrographs and flood routing calculations shall be in accordance with acceptable engineering practice. Calculations based on the Soil Conservation Service Procedures, the Corps of Engineers' Procedures, or the Bureau of Reclamation Procedures are considered acceptable. All other procedures must be approved by the Town's Engineer.

- n. Peak discharge calculations shall be submitted for the five (5) year/ten (10) year pre-development and one hundred (100) year post-development conditions. The calculations shall show the drainage area, the runoff coefficients, the time of concentrations, and other basin parameters used to develop the appropriate peak discharges.
- o. Calculations shall be submitted which show stage-discharge relationships (rating curves) for the primary outlet and emergency spillway, the stage-storage relationship for the detention facility, the inflow hydrograph for the one hundred (100) year twenty-four (24) hour storm, and the routed one hundred (100) year twenty-four (24) hour discharge hydrograph.

C. Curbs and Gutters

- 1. The Commission shall require curbs and gutters to be installed on each side of new streets.
- 2. The curbs and gutters shall be constructed according to the following specifications:
 - a. The base for the curbs and gutters shall be well compacted on the existing base or grade.
 - b. The minimum grade of any street gutter shall not be less than four-tenths percent (0.4%).
 - c. The curbs and gutters shall be roll type, unless otherwise required or approved by the Town's Engineer.
 - d. Inlets shall be located at the low point in the street grade and at other spacing as stormwater system calculations require. The maximum spacing between any two inlets shall be 500 feet.
 - e. Inlet grates should be depressed slightly below the plane of the gutter to improve removal of runoff water. Inlet grates shall be heavy-duty type and recommended for bicycle traffic.

D. Sewers

- 1. The subdivider shall provide the subdivision with a complete sanitary sewer system which shall connect with an existing interceptor sewer linking the subdivision to the Ashley Wastewater Treatment Plant. If said interceptor is not located adjacent to the subdivision site, it shall be the responsibility of the subdivider to extend the interceptor sewer to his property line. The subdivider may be reimbursed for part of the cost of extending the interceptor sewer.
- 2. Design plans for installation of a sanitary sewer system shall be provided by the subdivider and approved by the Town Council, Board of Works, the Indiana Department of Environmental Management, and other appropriate local and State agencies as required. Upon the completion of the sanitary sewer installation, the construction plans for such systems as-built shall be filed with the Town Council and Board of Works.
- 3. Each lot in the subdivision shall be required to pay a sewer connection fee to the Ashley Clerk-Treasurer, as indicated in the Official Fee Schedule at the time of obtaining a Location Improvement Permit.

4. Selected Design Criteria
- a. Alignment - All sewers shall be laid with a straight alignment between manholes.
 - b. Manhole Location - Manhole type, size, location and design shall be completed in accordance with established Municipal Standards.
 - c. Manholes - The difference in elevation between any incoming sewer and the manhole invert shall not exceed twenty-four (24) inches where required to match crowns. The use of drop manholes will require approval by the Town's Engineer. The minimum inside diameter of the manholes shall conform to those specified by the Town's Engineer or according to State requirements.
 - d. Sewer Locations - Sanitary sewers shall be located within street or alley rights-of-way, unless topography dictates otherwise. When located in easements on private property, access shall be provided for all manholes and oversizing may be required in these instances. Where sewer lines in private easements cross public street or alley rights-of-way, a manhole shall be provided in such rights-of-way where possible. Imposed loading shall be considered at all manhole locations. No less than six (6) feet of cover shall be provided over top of pipe in street and alley rights-of-way or five (5) feet in all other areas.
 - e. Relation of Sewers to Water Mains - A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. A minimum vertical distance of eighteen (18) inches shall be maintained between intersecting water and sewer lines.
 - f. Mandatory Connections to Public Sewers - In accordance with Indiana Code, if a public sanitary sewer is available within 300 feet of a property, the owner thereof may be required to connect to said sewer for the purpose of disposing of waste. It shall be unlawful for any such owner or occupant to construct or rebuild upon such property an individual sewage disposal system.

E. **Water Supply**

1. The subdivider shall provide the subdivision with a complete water supply system, which shall be connected to the existing Ashley water supply.
2. The plans for the installation of water main supply systems shall be provided by the subdivider and approved by the Town Council and the Indiana Department of Environmental Management. Upon completion of the water supply installation, the plans for such system as built shall be filed with the Town Council.
3. Approved fire hydrants shall be provided at each street intersection and at intermediate points between intersections, as recommended by the Water Utility Superintendent and Fire Chief. Generally, hydrant spacing is five hundred (500) feet.

F. Monuments and Markers

1. Monuments and markers shall be placed under the supervision of a licensed land surveyor and according to State Land Surveyor Regulations so that the center of the pipe or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.
2. Monuments shall be set:
 - a. At the intersection of lines forming angles in the boundary of the subdivision, at the beginning and end of all curves and points of tangency of the perimeter of the plat.
 - b. At the intersection of right-of-way lines within the plat.
3. Markers shall be set:
 - a. At the intersection of the centerlines of all streets, the center points of all cul-de-sac turn arounds, at the beginning and end of all curves and at angle points.
 - b. At all points where lot lines intersect curves, either front or rear.
 - c. At all angles in property lines of lots.
 - d. At all lot corners not established by monuments.
4. Monuments shall be of precast concrete or cast-in-place concrete with minimum dimensions of four (4) inches by four (4) inches by thirty-six (36) inches set vertically in place. They shall be marked on top with iron or copper dowels at least three eighths (3/8) inch in diameter, or deeply scored on top with a right angle cross.

Markers shall consist of iron pipes, steel bars, or copper bars, contain magnetic qualities, have a distinctive top which will be marked with a deep point or cross at the correct location, and be thirty-six (36) inches in total length and not less than five-eighths (5/8) inch in diameter.

5. A minimum of one (1) permanent benchmark shall be established for each forty (40) acres or fraction thereof, subdivided and at a location designated by the Town's Engineer. The monuments shall be of concrete with a dimension of four (4) inches by four (4) inches and forty-eight (48) inches long. A brass plate inscribed with the elevation of the benchmark shall be fastened to the concrete with a minimum of one-fourth (1/4) inch high letters and numbers. Unless otherwise directed by the Town's Engineer, benchmark datum shall conform to USGS sea level datum of 1929 and/or USC and GS datum.
6. It shall be the responsibility of the subdivider to prevent disturbance or destruction to all existing monuments within the jurisdictional boundaries of the Town of those parties under the direction of or in the employment by the subdivider. Any activities relating to the subdivider's improvements which cause disturbance or destruction of existing monuments shall be reported immediately to the Town as well as to the appropriate county, state, or federal agencies. The subdivider shall be responsible for the cost of any repair or re-establishment of any existing monument disturbed or destroyed by his activities. The subdivider shall be aware of fines and penalties in existence for disturbance or destruction of existing monuments.

7. All Public Land Survey points (section corners, quarter section corners, etc.) within or on the boundaries of the land to be subdivided shall be shown on the plat and referenced by no less than three (3) measurements of angle and distance. Each measurement of angle and distance shall be made from a separate known point on the perimeter of the subdivision.
8. Lot corner markers shall be accurate at the time of sale or transfer from the subdivider to a second party. After sale or transfer is complete, the subdivider, the Town, or other authorized agents shall not be liable for the accuracy of said markers.
9. All documentation necessary for the Town's Engineer to ascertain the location and accuracy of the required monuments of this Section shall be submitted by the subdivider to the Town's Engineer.
10. The plat shall indicate the type and location of all required monuments set within the property being subdivided.
11. Subdivider shall be required to establish the elevation of any benchmark set within the limit of the project to within one-hundredth (1/100) of a foot of the U.S. Geological Survey 1929 sea level datum or USC & GS datum. Evidence of the established elevation shall be certified by a registered land surveyor licensed by the State of Indiana and shall be submitted to the Town's Engineer.
12. Subdivider shall be required to establish the location of all horizontal monuments by means of a traverse of the third order or better. Evidence of successful completion of the required traverse shall be certified by a registered land surveyor licensed by the State of Indiana and shall be submitted to the Town's Engineer.

G. Sidewalks

1. Sidewalks shall be required to be located on both sides of every street within the subdivision plat, including around cul-de-sacs. Sidewalks shall be six (6) inches thick at drives and at least four (4) inches thick in all other locations. If driveways cannot be located, special permission may be obtained by the Commission to deviate from this standard. Sidewalks shall be five (5) feet wide in commercial and industrial subdivisions and four (4) feet wide in residential subdivisions. Sidewalks shall be Portland Cement type in accordance with the Standard Specifications of the Indiana Department of Transportation, latest edition, with expansion joints every forty-eight (48) feet and control joints every six (6) feet.
2. Sidewalks and pathways located away from streets should be properly lighted to permit visual surveillance of the walk or path from the street.
3. When sidewalks or pathways cross major street intersections within or adjacent to the subdivision, safety devices such as painted crosswalks, signs, or traffic signals shall be installed.
4. Easements of at least ten (10) feet in width shall be provided for sidewalks, pedestrian paths, and bicycle paths.
5. ADA-compliant ramps for wheelchairs and bicycles shall be provided on all sidewalks and pathways. Ramps are to be located at all intersections and other transition access points. Overhead obstructions shall be cleared to a height of at least eight (8) feet. Rolled curbs are not a substitute for wheelchair ramps.

H. Street Signs and Street Lighting

1. The subdivider shall be responsible for installing street signs at each intersection throughout the subdivision. All hardware and fixtures shall be approved by the Plan Commission. The Town of Ashley shall be responsible for placement of traffic control signs where deemed necessary in the development by the Town's Engineer.
2. When the subdivision contains private streets, the subdivider shall be required to post a sign at the entrance of the development proclaiming the name of the subdivision with the phrase "Private Streets" placed directly below in letters of two (2) inches minimum height.
3. The subdivider shall provide the subdivision with street lights to be installed at intersections throughout the subdivision or where deemed necessary by the Town's Engineer. Street lights shall be pole mounted and conform to the installation specifications of the Electric Utility. All electric lines are to be buried.

I. Utilities

All utility lines, including electrical power, gas, telephone, CATV, sewer, and water shall be located underground throughout the subdivision. The location of utility lines shall be shown on the Primary Plat and on the Construction Plans. Service connections to the property lines of each lot in the development shall be provided by the utility or subdivider.

8.7 DRAINAGE, EROSION, AND SEDIMENT CONTROL**A. General**

1. No changes shall be made in the contour of the land, nor shall grading, excavating, removal, or destruction of the topsoil, trees, or other vegetative cover of the land be commenced until such time that a plan for minimizing erosion and sedimentation has been reviewed by the Zoning Administrator or designated agent or there has been a determination by the Zoning Administrator or designated agent that such plans are not necessary. (Applies only to subdivision developments.)
2. Measures used to control erosion and reduce sedimentation and to provide drainage shall, as a minimum, meet the standards and specifications of the County Storm Drainage, Erosion, and Sediment Control Ordinance. The Zoning Administrator or designated agent shall ensure compliance with all appropriate specifications.

B. Performance Principles

1. The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the overall development plan.
 - a. Existing features which would add value to residential, commercial, natural, or manmade assets such as trees, streams, vistas, historically significant items, and similarly irreplaceable assets shall be preserved through careful and harmonious design.
 - b. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.

- c. Development plans shall keep cut fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
- d. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
- e. The disturbed area and the duration of exposure shall be kept to a practical minimum.
- f. Temporary vegetation and mulching shall be used to protect exposed critical areas during development.
- g. The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
- h. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded.
- i. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.
- j. Design and construction of the drainage facility shall be such that it will be durable and easy to maintain.

C. Grading for Drainage

In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

- 1. The locations, grading, and placement of subgrade (base) material of all streets, public driveway, and public parking areas shall be accomplished second, after erosion control measures have been taken.
- 2. All lots, tracts, or parcels shall be graded to provide proper drainage away from the buildings, dispose of it without ponding. All land within the development shall be graded to drain and dispose of surface water without ponding, except where approved by the Town's Engineer.
- 3. All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be sodded or planted, as required, and shall be of such slope, shape, and size as to conform to the requirements of the Commission.
- 4. Concentration of surface water runoff shall only be permitted in swales, watercourses, pipes, and detention ponds.
- 5. Land alteration shall be accomplished in such a way that the grades left at the time that the work is completed will be permanent and stable.
- 6. Excavation and Fills

- a. Cut and fill slopes shall not be steeper than three to one (3:1), unless stabilized by a retaining wall or cribbing as approved by the Town's Engineer when handled under special considerations.
- b. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installation of temporary or permanent drainage across or above this area.
- c. Cuts and fills shall not endanger adjoining property.
- d. Fills shall be placed and compacted so as to minimize sliding or erosion of the soil.
- e. Fills shall not encroach or impede flows of natural watercourses or constructed channels.
- f. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during this period of construction.
- g. Grading shall not be done in such a way so as to divert water onto the property of another landowner without the expressed consent of the landowner.
- h. During grading operations, necessary measures for dust control shall be exercised.
- i. Grading equipment shall not be allowed to cross live streams. Provisions shall be made for the installation of temporary or permanent culverts or bridges.

D. Responsibility for Drainage and Erosion Control

1. Whenever sedimentation is caused by stripping of vegetation, re-grading, or other development activities, it shall be the responsibility of the applicant, person, corporation, or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems, and watercourses, and to repair any damage at his expense as quickly as possible.
2. Maintenance of all driveways, parking areas, drainage facilities, and watercourses within any development plan area is the responsibility of the applicant or developer, provided that said facilities have not been dedicated to the public and accepted by the appropriate authority for public maintenance.
3. It is the responsibility of the applicant and any person, corporation, or other entity doing any action on or across a communal stream, watercourse, or swale, or upon the floodplain or floodway area of any watercourse during the period of development, to return these areas to their original or equal condition upon completion of said activities.
4. No applicant, person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the County Drainage Board and/or the Indiana Department of Natural Resources, Division of Water, whichever may be applicable.

5. On-site drainage facilities shall be sufficient to accept:
 - a. the water runoff from the parcel after development;
 - b. the present water runoff from undeveloped areas upstream; and
 - c. that part of the water runoff attributable to future development in undeveloped areas upstream, which is not reasonably likely to be accommodated in such upstream areas.
6. Each applicant or other entity which makes any surface changes shall be required to:
 - a. Collect on-site surface runoff and springs and dispose of it to the point of discharge into an adequate outlet approved by the Town's Engineer.
 - b. Handle existing and potential off-site runoff through the development by designing to adequately handle storm runoff from a fully developed area upstream.
 - c. Pay his proportionate share of the total cost of off-site improvements to the common natural watercourse, based on a fully developed drainage area.
 - d. Provide and install at his expense, all necessary drainage and erosion control improvements (temporary and permanent) or as required by the Town's Engineer.
7. It is the responsibility of the applicant or owner to keep all major watercourses, not under the jurisdiction of any public agency, open and free flowing.
8. The applicant or owner will assume the responsibility for maintaining an open and free flowing condition in all minor streams, watercourses, and drainage systems, constructed or otherwise improved in accordance with this Section, which are necessary for proper drainage.

E. Compliance with Regulations and Procedures

1. The design, installation, and maintenance of the required drainage facilities and erosion and sediment control measures shall be in accordance with County standards and specifications, as well as the requirements of the Natural Resources Conservation Service.
2. The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the development and shall become a part thereof.
3. Permission for clearing and grading prior to the approval of the development plan may be obtained under temporary easements or other conditions satisfactory to the Town's Engineer.
4. In the event the applicant or developer proceeds to clear and grade prior to the approval of the subdivision or development plan, without satisfying conditions specified herein, the Plan Commission may revoke the approval of all plans and a suit for an injunction may be instituted to halt further construction until development plans are approved.

5. Topsoil shall not be removed from residential lots or used as spoil. No construction debris or waste material shall be buried or left deposited on any lot or street.

8.8 COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

A. General Requirements

1. Land proposed for platting as a commercial or industrial subdivision shall be subject to all of the requirements of this Ordinance and shall conform to the zoning requirements of the district in which it is located. A Primary Plat, Secondary Plat, and Construction Plans shall be submitted to the Plan Commission for review.
2. Lots and block standards for commercial and industrial subdivisions should be flexible so that lot sizes may be expanded by the subdivider to meet the requirements of a prospective buyer or tenant. If, after recording of a Secondary Plat, the subdivider wishes to amend the lot dimensions, an amended Secondary Plat shall be presented by the subdivider to the Plan Commission for review. Substantial changes shall have to go through another public hearing process. The determination of "substantial changes" and the necessity of a public hearing shall be made by the Zoning Administrator or designated agent.
3. Streets in a commercial or industrial subdivision shall be constructed to the specifications for secondary streets per this Section. The streets shall have a width of thirty (30) feet and a right-of-way of eighty (80) feet minimum. Curb and gutter, storm drainage, and subsurface drainage may be required by the Plan Commission. Once constructed to the specifications of the Town, the subdivider may dedicate the streets to the Town or may, upon approval of the Plan Commission, elect to keep the streets private to be maintained by the owners and/or tenants of the subdivision.
4. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed non-residential subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip, when necessary.
5. Truck routes shall be established so as to prevent industrial traffic from encroaching into adjacent residential areas.
6. The builder shall provide each building or lot in the subdivision with a paved parking area which meets the requirements of this Ordinance. The parking area shall have a proper drainage system and should be adequately landscaped and lighted.
7. Loading areas or loading docks shall be designed so that they do not interfere with the operation of other lots or buildings and do not encroach on setback lines.
8. No materials, supplies, motor vehicles, or equipment shall be stored outside of the buildings, unless the storage area is properly screened.
9. Frontage roads shall be provided where requested by the Commission to prevent numerous entrances on existing streets or highways.
10. With respect to traffic and storm drainage, commercial and industrial subdivisions shall be considered in totality; individual parcels or shall not be considered separately.
11. Sidewalks shall be five (5) feet wide.

