

TITLE 17

SUBDIVISION CONTROL ORDINANCE

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Chapter 17.01

ESTABLISHMENT OF CONTROL

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17.01.010 Plat Approval Prerequisite to Recording. No Plat or replat of a subdivision of land located within the jurisdiction of the Jasper City Plan Commission shall be filed with the Dubois County Auditor, and the Dubois County Recorder shall not record same unless it has first been approved by the Jasper City Plan Commission, and such approval shall have been entered in writing on said plat by the Secretary of said Commission. (Ord. 1998-3, S3, 1998; Ord. 1993-17, Art. I, S1, 1993; Ord. 896, Art. I, S1, 1977)

17.01.020 Short Title. This Ordinance shall be known and may be cited as the Subdivision Control Ordinance of Jasper, Indiana. (Ord. 1993-17, Art. I, S2, 1993; Ord. 896, Art. I, S2, 1977)

17.01.030 Authority: This Ordinance is adopted pursuant to Chapter 174, Acts of 1947, of the General Assembly of the State of Indiana, and all amendments thereto. (Ord. 1993-17, Art. I, S3, 1993; Ord. 896, Art. I, S3, 1977)

17.01.040 Purpose. This Ordinance is adopted for the following purposes:

- (1) To assist the orderly and efficient development of the City.
- (2) To provide for the coordination of new thoroughfares with existing and planned thoroughfares.
- (3) To promote the health, safety, and general welfare of the residents of the City.
- (4) To ensure the coordination with the extension of the community facilities and utilities.
- (5) To secure equitable handling of all subdivision plans by providing uniform procedures and standards. (Ord. 1993-17, Art. I, S4, 1993; Ord. 896, Art. I, S4, 1977)

17.01.050 Jurisdiction. This Ordinance shall apply to all incorporated land within the City of Jasper and the unincorporated land within the jurisdictional area of Jasper as shown on the Jurisdictional Area map on file in the Plan Commission office and the County Recorder's office. (Ord. 1993-17, Art. I, S5, 1993; Ord. 896, Art. I, S5, 1977)

17.01.060 Compliance. No lot in a subdivision shall be sold; no permit to erect, alter or repair any building upon land in a subdivision shall be issued; and no building shall be erected in a subdivision, unless and until a final subdivision plat has been approved and recorded, and until the improvements required by the Plan Commission in connection therewith have been guaranteed, as herein provided. (Ord. 1993-17, Art. I, S6, 1993; Ord. 896, Art. I, S6, 1977)

Chapter 17.02

DEFINITIONS

Sections:

17.02.010 Word Interpretations and Definitions.

17.02.010 Word Interpretations and Definitions. For the purpose of this Ordinance certain terms or words used herein shall be interpreted or defined as follows. Words used in the present tense include the future tense; the singular number shall include the plural and the plural the singular; and the word "shall" is mandatory and not directory.

- (1) AGRICULTURAL PURPOSE: The use of a tract of land for agricultural purposes only, including farming, dairying, pasturing, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.
- (2) BLOCK: Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway or other definite area.
- (3) BUILDING SETBACK LINE: A line on a plat between which line and the street line of a Lot or Block, buildings may not be erected.
- (4) CITY: City of Jasper, Dubois County, Indiana.
- (5) COMMON COUNCIL: The Common Council of the City of Jasper, Dubois County, Indiana.
- (6) COMMISSION: The Jasper City Plan Commission.
- (7) COUNTY: Dubois County, Indiana.
- (8) EASEMENT: A grant by the property owner of the use of a strip of land by the public, a corporation, or persons, for specified uses.
- (9) ENGINEER: The City Engineer of Jasper, the County Engineer of Dubois County, or a qualified engineer designated by the City of Jasper.
- (10) LOT: A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.
- (11) MASTER PLAN: The complete plan, or any of its parts, for the development of the City, prepared by the Commission, and adopted in accordance with Chapter 7, Title 53, Indiana General Statutes, as is now or may hereafter be in effect.

- (12) PLAT: A map or drawing on which the subdivider's plan of a subdivision is presented and which is presented for approval. The final plat is the map or drawing which is intended for recordation and which meets the requirements of Section 17.03.050, herein or Article III, Section 5 of Ord. 1993-17.
- (13) RIGHT-OF WAY: A dedicated and accepted strip of land designated for public use as a street, highway, driveway, alley or walkway or for any drainage or public utility purposes or other similar use.
- (14) STREET: The dedicated and accepted space or area between the lot lines, abutting upon a right-of-way and designed as a way for vehicular traffic whether designated as an alley, street, highway, throughway, freeway, expressway, road, avenue, boulevard, lane, place or however otherwise designated and which shall include but not be limited to those illustrated in the Comprehensive Master Plan. For the purpose of this Ordinance, streets shall be classified as follows:
- (a) Urban Arterial Streets are major traffic arteries designed to handle fast or heavy traffic and generally connecting points of major traffic generation.
 - (b) Urban Collector Streets are streets which carry traffic from local streets to the arterial street system, including the principal entrance streets of a residential development and streets for circulation within such a development.
 - (c) Local Streets are streets which are used primarily for access to the abutting properties but do not provide for through-traffic.
 - (d) Marginal Access Streets are local streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.
 - (e) Cul-de-Sac Street is a Minor Street with only one outlet, having a paved, circular turn-around area at the closed end.
 - (f) Alley is a minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
- (15) SUBDIVISION: The division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels of land, any one of which is less than ten acres, for the purpose, whether immediate or future, of transfer of ownership for residential, commercial or industrial purposes;

or the division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes; including shopping centers, apartment complexes, condominiums, industrial or office parks and similar developments.

Provided, however, that this definition shall not include divisions of land for agricultural purposes only, not involving any new street or easement of access, or the sale of lots or exchange of parcels between adjoining lot owners that do not create additional building sites.

- (16) THOROUGHFARE PLAN: The part of the Master Plan, now or hereafter adopted, which sets forth the location, alignment, dimensions, identification and classification of existing and proposed public streets, highways, and other thoroughfares. (Ord. 1993-17, Art. II, S1, 1993; Ord. 896, Art. II, S1, 1977)

Chapter 17.03

PROCEDURE

Sections:

17.03.010	Preliminary Considerations.
17.03.020	Application for Primary Approval.
17.03.030	Primary Approval Procedures.
17.03.040	Primary Approval.
17.03.050	Secondary Approval.
17.03.060	Acceptance of Streets, Storm Sewers and Utilities.
17.03.065	Maintenance/Damage Bond.
17.03.070	Recording.
17.03.080	Family Farm Residence.

17.03.010 Preliminary Considerations.

- (1) In order to make the most of the opportunities related to the subdivision and to conserve time, effort and expense, the owner or subdivider should consult with the Commission, the Engineer and other public officials prior to the preparation of the tentative plan of the subdivision. The Master Plan should be reviewed to determine how the proposed plan will be coordinated with said Master Plan. In addition, the owner or developer shall determine that his subdivision provides for the following:
 - (a) Coordination of subdivision streets with existing and planned streets or highways.
 - (b) Coordination with and extension of facilities included in the Master Plan.
 - (c) Establishment of minimum width, depth, and area of lots within the projected subdivision as set forth in Zoning and Location Permit Regulations.
 - (d) Distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience, and the harmonious development of the City and County.
 - (e) Appropriate allocations of areas for streets, parks, schools, public and semi-public buildings, homes, utilities, business and industry as outlined by the Master Plan.

The developer shall also determine that his subdivision meets the design criteria required by the Commission, including the manner in which streets shall be laid out, graded and improved, and that he has made the required or adequate provisions for water, sewage, other utility service, schools, essential municipal services, and recreation facilities.

No land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider, or if such land is considered by the Commission to be unsuitable for urban development by reason of flooding or improper drainage, objectionable earth and rock formation, topography or any

other feature harmful to the health and safety of possible residents and the community as a whole. (Ord. 1993-17, Art. III, S1, 1993; Ord. 896, Art. III, S1, 1977)

17.03.020 Application for Primary Approval:

(1) APPLICATION FOR PRIMARY APPROVAL: A person or corporation desiring primary approval of a plan of a subdivision of any land lying within the territorial jurisdiction of the Commission shall submit a written application therefore to said Commission. Such application shall be in a form obtained from the Commission office, and shall be accompanied by the following information and plans:

(a) A Location Map showing:

1. Subdivision name and location.
2. Arterial streets related to the subdivision.
3. Public transportation lines.
4. Main shopping center.
5. Community or neighborhood stores.
6. Elementary and high schools.
7. Parks and playgrounds.
8. Zoning district boundaries and districts in the area.
9. Other community features.
10. Title, scale, north point and date.
11. Aerial photo to include plat

(b) A Site Map showing:

1. Topographical data in one of the following forms which shall be determined by the Commission during preliminary consideration of the Plan:
 - A. A Contour Map with contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%), and at vertical intervals of five (5) feet if the general slope is greater than ten percent (10%); or

- B. A Land Inspection Sketch showing terrain features, wooded areas, buildings and other natural or artificial features which would affect the plan of the subdivision;
 2. Tract boundary lines, showing dimensions, bearings, angles and references to section, township and range lines or corners;
 3. Streets and rights-of-way, on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, tree planting and other pertinent data;
 4. Easements: locations, widths and purposes;
 5. Utilities, including sanitary and storm sewer, other drainage facilities, water lines, gas mains, electric utilities and other facilities, including size or capacity of each and the location of or distance to each utility indicated, and fire hydrants located according to prevailing Jasper Fire Department standards;
 6. Zoning of the site and adjoining property;
 7. Existing or proposed platting of adjacent land;
 8. Other features or conditions which would affect the subdivision either favorably or adversely; and
 9. Title, scale, north point and date.
- (c) A Tentative Plan of the subdivision, drawn to scale of fifty (50) feet to one (1) inch or one hundred (100) feet to one (1) inch; provided, however, that if the resulting drawing would be over thirty-six (36) inches in its shortest dimension, a scale as recommended by the Engineer or the Commission may be used. The Tentative Plan shall show:
 1. Proposed name of the subdivision;
 2. Names and addresses of owner and subdivider and the city planner, land planning consultant, engineer or qualified surveyor who prepared the plan;
 3. Street pattern, showing the names (which shall not duplicate names of other streets in the community) and widths of rights-of-way of streets, and widths of crosswalks, easements and alleys;
 4. Layout of lots, showing dimensions and numbers;
 5. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public, or community purposes;

6. Building setback or front yard lines;
7. Key plan, legend and notes; and
8. Scale, north point and date.

NOTE: The information called for in items (b) and (c) above may be submitted as a single or as two maps or plans.

(d) Engineering Plans showing:

1. Profiles, typical cross-sections and specifications for proposed street improvements; and
2. Profiles and other explanatory data concerning the installation of sanitary and storm sewerage systems and water distribution system.

(e) Covenants:

A description of the protective covenants or private restrictions to be incorporated in the plat of the subdivision.

(f) Agreements:

Information as to any agreements which have been entered into with the owners of other property within the neighborhood in which the proposed subdivision is located, as to general plans for the entire neighborhood. (Reference should be made to the Master Plan for suggestions as to the general street pattern and design of the neighborhood.)

(g) Certificate of Adequate Sewage Disposal:

Have a written statement from a health and sanitation authority of Dubois County, Indiana, or the State of Indiana, certifying that the real estate encompassed by the proposed plat is conducive to a private or public sanitary sewer system.

(h) Fees:

Prior to obtaining secondary approval, Applicant shall pay Plat Fees and Park Fees to the City of Jasper. Plat Fees shall be in the amount of One Hundred Dollars (\$100.00) plus One Dollar (\$1.00) for each lot in the proposed subdivision with a minimum total charge of One Hundred Five Dollars (\$105.00) to cover the cost of checking and verifying the proposed plat, and such amount shall be deposited in the General Fund. Park fees shall be in the amount of Fifty Dollars (\$50.00) for each lot platted in a R-R, R-1, R-2, R-3, R-4 and PU(R)D (Planned Unit Residential Development) zone and Fifty Dollars (\$50.00) for each acre platted in a B-1, B-2, B-3, PU(B)D (Planned Unit Business Development), I-B, I-1, and I-2 zone, and such amount shall be deposited into the Park and Recreation Nonreverting Operating Fund. (Ord. 2006-41, S5, Sept. 20, 2006) (Ord. 1993-17, Art. III, S2, 1993; Ord. 1282, S1,2, 1986; Ord. 1034, S1, 1981; Ord. 896, Art. III, S2, 1977)

17.03.030 Primary Approval Procedures.

(1)

- (a) After an application for primary approval of a plan of a subdivision, together with two (2) copies of all maps and data, has been filed, the Plan Commission staff shall review the application for technical conformity with the standards fixed in the subdivision control ordinance, within thirty (30) days after receipt, the staff shall announce the date for a hearing before the Plan Commission or plat committee and provide for notice in accordance with the following section.
- (b) After the staff has announced a date for a hearing before the Plan Commission or plat committee, it shall notify the applicant in writing.
- (c) In preparation for the hearing, the applicant shall:
 - 1. Give notice of the hearing by publication in accordance with I.C. 5-3-1; and
 - 2. Provide for due notice to interested parties at least ten (10) days before the date set for hearing.
 - A. Interested parties shall be owners of property within 200 feet which shall include at least two adjacent property owners in all directions (but in no event further than 400 feet.)
 - B. Notice shall be by certified mail -- return receipt requested -- or by hand-carried notification to be signed by the interested party.
 - C. Notice shall contain date, time and place of the hearing and a general statement as to the nature of the public hearing. (Ord. 1993-17, Art. III, S3, 1993; Ord. 1282, S3&4, 1986; Ord. 896, Art. III, S3, 1977)

17.03.040 Primary Approval.

(1)

- (a) After hearing and within seventy-one (71) days after the committee meeting, it shall make written findings and a decision granting primary approval to the plat. The decision must be signed by those officials designated in the subdivision control ordinance.
- (b) If, after the hearing, the Plan Commission or plat committee disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy. This decision must be signed by the official designated in the subdivision control ordinance.

- (c) Primary approval or disapproval of a plat by the plat committee may be appealed only under the sections listed below. However, it may not be taken directly to court for review until all administrative remedies are exhausted.
- (d) This section applies to any subdivision of land whether or not it is excepted from the notice and hearing requirements under 17.03.080 and 17.04.010(k), the same being Art. III, Section 8 and Article IV, Section 1K of Ord. 1993-17.
- (e) An applicant or other interested party may appeal to the Plan Commission the primary approval or disapproval of a plat, or the imposition of a condition on primary approval, by the plat committee. A notice of appeal must be filed with the Plan Commission within ten (10) days after a copy of the action of the plat commission is mailed to the interested party. Notice shall be given and a hearing held by the Commission in the same manner as in the case of the plat commission.
- (f) The commission has the same power as the committee to approve, disapprove, or impose conditions on the approval of plats.
- (g) The primary approval by the Commission of a plat must be certified on behalf of the Commission by the official designated in the subdivision control ordinance.
- (h) The primary approval or disapproval of a plat by the Plan Commission or the imposition of a condition on primary approval is a final decision of the Plan Commission that may be reviewed by certiorari. (Ord. 1993-17, Art. III, S4, 1993; Ord. 1282, S5, 1986; Ord. 896, Art. III, S4, 1977)

17.03.050 Secondary Approval.

- (1) Following the primary approval of the plan, the Commission will notify the applicant in writing that it is ready to receive the plan for secondary approval. The plan shall meet the following specifications for secondary approval:
 - (a) The plat may include all or only part of the approved plan as proposed in the application.
 - (b) The original drawing of the plat of the subdivision shall, if possible, be drawn to a scale of fifty (50) feet to one (1) inch; provided, that if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used. Three black or blue line prints shall be submitted with the original plat, or, in order to conform to modern drafting and reproduction methods, lettering may be applied to the plat in a manner which will permit the plat to be reproduced by film, litholoid or other photographic process at the designated scale, and in such case three black line prints and a reproducible print shall be submitted.

- (c) The following basic information shall be shown:
1. All plat boundary lines with lengths of courses to tenths of a foot and bearings to half minutes; these boundaries are to be determined by an accurate survey in the field which shall be balanced and closed with an error of closure not to exceed 1 to 10,000;
 2. The exact location and width along the property line of all existing recorded streets intersecting or paralleling the boundaries of the tract;
 3. True bearings and distances to nearest established street bounds, patent or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately monument-marked and located on the plat, and their names shall be lettered on them;
 4. The accurate location and type of material of all permanent reference monuments;
 5. The exact layout, including:
 - A. Street and alley lines - their names, bearings, angles of intersection and widths (including widths along the line of any obliquely-intersecting street);
 - B. The length of all arcs-radii, points of curvature and tangent bearings;
 - C. All easements, when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat);
 - D. All lot lines with dimensions in feet and hundredths and with bearings and angles to minutes if other than right angles to the street and alley lines;
 6. Lots numbered in numerical order;
 7. The accurate outline of all property which is offered for dedication for public use; and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose indicated thereon;
 8. In case the subdivision is traversed by a watercourse, channel, stream or creek, the prior and present location of such watercourse, channel, stream, or creek;

9. Setback building lines as fixed by the Zoning Ordinance and any other setback lines or street lines established by public authority, and those stipulated in the deed restrictions;
10. Private restrictions, if any:
 - A. Boundaries of each type of use restriction;
 - B. Other private restrictions for each definitely restricted section of the subdivision;
11. Name of the subdivision and name or number of the largest subdivision or tract of which the tract being subdivided forms a part;
12. Names and locations of adjoining subdivisions and location and ownership of adjoining unsubdivided property;
13. Names and addresses of the owner of record, the subdivider, and of the engineer or surveyor;
14. North point, scale (numerical or graphic), and date;
15. Statement that any lot transferred will have a width and area the same as those shown on the plat;
16. Certification by a registered professional engineer or licensed surveyor to the effect that:
 - A. The plat represents a survey made by him and that all monuments indicated thereon actually exist and their location, size and material are correctly shown; and
 - B. That all requirements of the Subdivision Regulations have been fully complied with;
17. Certification that all requirements of Indiana Regulation 327 IAC 15-5 (Rule 5) regulating storm water runoff associated with construction activity have been obeyed.
18. A certificate by the owner of the land in substantially the following form: "As owner, I hereby certify that I caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plan." This certificate shall be executed as a conveyance is executed;
19. A certificate issued by the appropriate City and County officials to the effect that there are no unpaid taxes or unpaid special assessments on any of the land included in the plat; and

20. Certificates for approval by the Commission.

- (d) In submitting the Final Plat to the Commission, it shall be accompanied by a notice from a representative of the Commission stating that there has been filed with and approved by that body, one of the following:
1. A certificate that all improvements and installations to the subdivision required by Section 17.05 or Article V of Ordinance 1993-17 have been made or installed in accordance with specifications; or
 2. A Performance Bond which shall:
 - A. Run to the City;
 - B. Be in an amount approved by the Commission to be sufficient to complete the improvements and installations in compliance with these Subdivision Regulations;
 - C. Be with surety or provide surety satisfactory to the City of Jasper; and
 - D. Specify the time for the completion of the improvements and installations, which shall not exceed three (3) years. A request for renewal of the Performance Bond may be made to the Board of Public Works and Safety prior to the expiration of the three year time period, but, unless extraordinary circumstances exist, the bond should not be extended for longer than one additional year and construction of all required improvements and installations shall be completed by the expiration of the additional year.
 3. With respect to the installation or extension of water, sewer, or other utility service:
 - A. The applicant shows by written evidence that it has entered into a contract with the political subdivision or utility providing the service; and,
 - B. The Commission determines based on written evidence that the contract provides satisfactory assurance that the service will be installed or extended in compliance with the Subdivision Control Ordinance.

Upon a finding by the Commission that the Final Plat submitted is in accordance with the requirements of this Section, the Final Plat shall be signed and certified by the Commission's Secretary. (Ord. 2012-1, S1, Feb. 22, 2012) (Ord. 2007-15, S1, June 20, 2007) (Ord. 1993-17, Art. III, S5, 1993; Ord. 1282, S7, 8, 9, 1986; Ord. 908 S2(a), 1978; Ord. 896, Art. III, S5, 1977)

17.03.060 Acceptance of Streets. The approval of a Final Plat by the Commission shall not be deemed to be an acceptance of the dedication or donation of any public street, road, or highway, storm sewers, or utility dedicated in such plat. The Building Commissioner, City Engineer or County Engineer, and/or appropriate Department Head, as the case may be, shall, upon written request by the owner of the land upon which the street, storm sewer, or utility has been constructed, check the construction, and, if found to be in good repair, then such finding shall be reported to the Board of Public Works and Safety. If the Board of Public Works and Safety agrees that the street, storm sewer and/or utilities are in good repair and that all appropriate easements, 'as-builts', and donation forms are in place, said Board shall accept said street, storm sewer and/or utilities for public use. Said acceptance shall be subject to the maintenance/damage bond requirement set forth herein. (Ord. 2012-1, S2, Feb. 22, 2012) (Ord. 1993-17, Art. III, S6, 1993) (Ord. 896, Art. III, S6, 1977)

17.03.065 Maintenance/Damage Bond. That unless waived by the Board of Public Works and Safety, prior to the time that the Board of Public Works and Safety releases the Performance Bond that was required by the Subdivision Control Ordinance, a Maintenance/Damage Bond shall be submitted to the City meeting the following requirements:

- (1) Shall run to the City;
- (2) Be in a form acceptable to the City guaranteeing against any defects resulting from faulty materials, faulty workmanship or faulty design AND guaranteeing the repair of subsequent damage done to any improvements and installations (i.e. streets, curbs and gutter, storm sewer, water, sewer, etc) provided in the development and accepted by the City;
- (3) Be for the time period required herein;
- (4) Be in an amount that is no less than 25% of the amount of the original Performance Bond for completion of the streets, curbs and gutters and storm sewer (although Maintenance/Damage Bond may be used for repairs to utilities as well);
- (5) Be with surety satisfactory to the City of Jasper.

That if a request is made to release the Performance Bond prior to it being in place less than one year, then, if approved, the Maintenance/ Damage shall be for a period of two years. However, if the subdivision is less than 80% complete (lots built on) at the end of the two year period, then the Maintenance/Damage Bond shall be extended for an additional year to three years.

That if a request is made to release the Performance Bond after it has been in place for over one year, then, if approved, the Maintenance/Damage Bond shall be for a period of one year. However, if the subdivision is less than 80% complete (lots built on) at the end of the one year period, then the Maintenance/Damage Bond shall be extended for an additional year to two years. (Ord. 2012-1, S3, Feb. 22, 2012)

17.03.070 Recording. After the Commission has granted final approval of the plat for record, the officers shall affix their signatures to the original tracing and the subdivider shall record the plat with the recorder of Dubois County within sixty (60) days, unless an extension, not to exceed six (6) months, is approved by the Plan Commission. If not recorded within the specified time, the approval shall be null and void.

The subdivider shall pay the recording fee, and file with the Commission three (3) prints of the Approved Final Plat, including restrictive covenants, as recorded. Until such prints have been filed, no improvement

location permit, occupancy, or other such permits shall be issued for any lot shown upon said plat. (Ord. 1993-17, Art. III, S7, 1993; Ord. 896, Art. III, S7, 1977)

17.03.080 Family Farm Residence.

- (1) In the case of a farm where the owner wishes to convey a parcel of land, either with or without consideration, to a member or members of his family for the purpose of locating a residence to be occupied by the family member said owner may be authorized by the Commission to convey said parcel as an exception from this ordinance.
 - (a) Any exception thus authorized is required to be entered in writing in the minutes of the Commission and the reasoning on which the exception was authorized shall be set forth.
 - (b) The exception shall be authorized in accordance with the following provisions:
 1. For the purpose of this Section, a farm shall be defined as an area containing ten (10) acres or more, used for agricultural purposes (as defined) by the resident owner or tenant.
 2. No more than two parcels shall be conveyed as exceptions from any one farm.
 3. The new parcel shall be subject to all requirements of the Zoning Ordinance and other local ordinances now or hereafter adopted.
 4. The parcel shall be subject to the sewer provisions of this ordinance.
 5. For the purpose of this Section, a member of the family shall be defined only as mother, father, brother, sister, son, daughter, grandmother, grandfather, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt or uncle.
 6. The original occupant of the residence to be located shall be the family member to whom the parcel was conveyed.
 7. In a case where the new parcel is located other than on an existing public-right-of-way, access to the parcel shall be provided by a private way. This private access shall not be considered by the County Commissioners for a public thoroughfare until such time that the access shall be improved in accordance with the applicable County's improvement requirements for a county road. (Ord. 1993-17, Art. III, S8, 1993) (Ord. 896, Art. III, S8, 1977)

Chapter 17.035

DESIGN STANDARDS

Sections:

17.035.010 Adoption of Design Standards Manual.

17.035.010 Adoption of Design Standards Manual. There is hereby adopted as the design standards for the City of Jasper the 'City of Jasper Design Standards and Specifications Manual', Second Revision, which is hereby incorporated by reference into this Ordinance and made a part of the Subdivision Control Ordinance of the City of Jasper, Indiana. Two (2) copies of the City of Jasper Design Standards and Specifications Manual are on file in the office of the Clerk-Treasurer of the City of Jasper for public inspection. (Ord. 2011-30, Oct. 19, 2011) (Ord. 2010-6, S1, April 21, 2010) (Ord. 2007-15, S2, June 20, 2007)

Chapter 17.04

GENERAL PRINCIPALS OF DESIGN & MINIMUM REQUIREMENTS FOR THE LAYOUT OF SUBDIVISIONS

Sections:

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17.04.070	Lots.
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17.04.090	Building Setback Lines.
17.04.100	Public Open Spaces.
17.04.110	Exceptions and Acceptable Modifications.
17.04.120	Commercial and Industrial Subdivisions.

In laying out a subdivision, the subdivider shall comply with the following principles and requirements:

17.04.010 General.

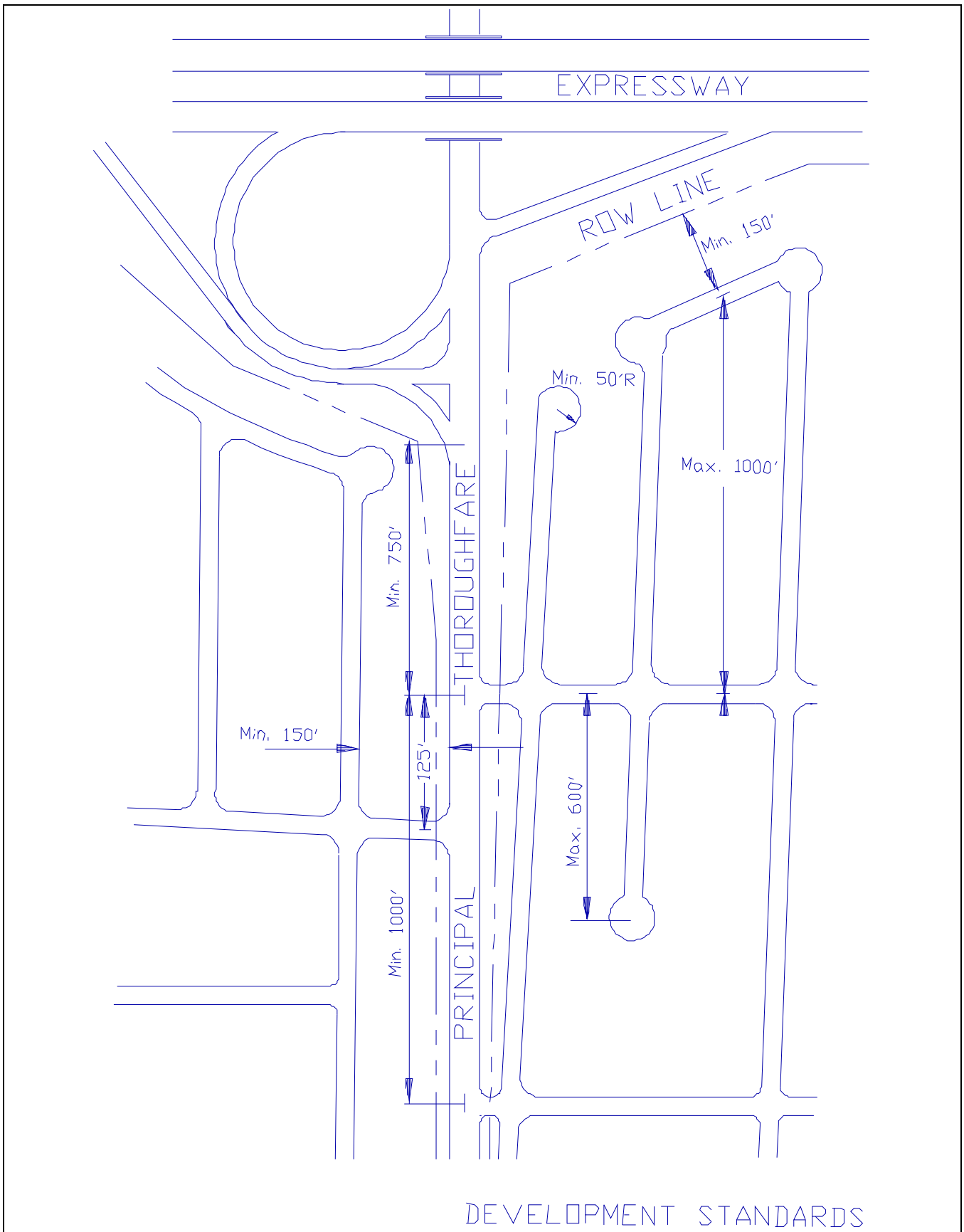
- (1) The subdivision shall conform to the principles, standards and proposals of the Comprehensive Plan:
 - (a) Whenever a tract to be subdivided embraces any part of an arterial street, so designed on said Plan, such part of such public way shall be platted by the subdivider in the location and at the width indicated by the Plan;
 - (b) Where a proposed park or other recreational area, school or other public ground shown in said Plan is located in whole or in part within the proposed subdivision, such proposed public ground or park, if not dedicated to the City, County, School Board of Trustees or other appropriate agency, shall be reserved for acquisition by the appropriate jurisdiction within a period of four (4) years by purchase or other means.
- (2) Where held appropriate by the Commission, open spaces, constituting a reasonable proportion of the gross acreage of the subdivision, suitably located and of adequate size for parks, playgrounds, or other recreational purposes for local or neighborhood use shall be provided for in the proposed subdivision; and, if not dedicated to the City or County, as the case may be, shall be reserved for the common use of all property owners in the proposed subdivision by covenant in the deeds.

- (3) In determining whether an application for approval shall be granted, the Commission shall determine if the plat conforms to the principles and standards required in this Title, which shall be deemed as minimal; and whenever the applicable requirements of other City or County ordinances are higher or more restrictive, those requirements shall control any application for plat approval.
- (4) In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic areas, or similar conditions which, if preserved, will add attractiveness and value to the proposed development.
- (5) Due consideration shall be given to the prevention of air and stream pollution, proper treatment and disposal of refuse and other waste, and the elimination of other blighting characteristics.
- (6) The subdivision layout shall be of such a character that it protects the health, safety, and general welfare of the City and its residents.
- (7) In designing a street system, the subdivider shall be guided by the following principles.
 - (a) Adequate vehicular and pedestrian access shall be provided to all parcels.
 - (b) Local or residential street systems shall be designed to minimize through-traffic movement, but street connections into and from adjacent areas may be required.
 - (c) Local street patterns shall provide reasonable direct access to the primary circulation system.
 - (d) Local circulation systems and land development patterns shall not conflict with the efficiency of bordering arterial routes.
 - (e) Elements in the local circulation system should be designed with the least amount of interruptions possible in order to function effectively and safely.
 - (f) Traffic generators within residential areas shall be considered in the design of the circulation pattern.
 - (g) Planning and construction of residential streets shall clearly relate to their local function.
 - (h) Local streets shall be designed to discourage excessive speeds.
 - (i) Pedestrian-vehicular conflict points shall be minimized.
 - (j) The number of intersections shall be minimized.
 - (k) Local streets shall be related to the topography. (Ord. 2007-15, S3, June 20, 2007) (Ord. 1993-17, Art. IV, S1A, 1993; Ord. 908, S3i, 1978; Art. 896, Art. IV, S1A, 1977)

17.04.020 The Street and Block Layout.

- (1) The street layout of the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas and the entire neighborhood:
 - (a) Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect;
 - (b) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless, in the opinion of the Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts. Temporary dead-end streets of reasonable length -- not to exceed six hundred (600) feet -- will be approved where necessitated by topography or where they are appropriate for the type of development contemplated;
 - (c) Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit, but at not less than seventy (70) degrees in any case;
 - (d) Wherever there exists adjacent to the tract to be subdivided a dedicated or platted and recorded half-width street or alley, the other half-width of such street or alley shall be platted; otherwise, half-streets shall be prohibited;
 - (e) Lands abutting primary arterial streets should be platted with the view of making the lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic on such trafficways; and with the view, also, of minimizing interference with traffic on such trafficways as well as the accident hazard. This may be accomplished in several ways, the choice depending on topography and other physical conditions, the character of existing and contemplated developments, and other pertinent factors as indicated below and on the exhibit "Development Standards";
 - A. By platting the lots abutting such trafficways at very generous depth and by providing vehicular access to them by means of either alleys or service drives in the rear, or frontage access roads next to the highway, connected therewith at infrequent intervals;
 - B. By not fronting the lots on the primary arterial but on a paralleling minor street at a distance of a generous lot depth not to be less than one hundred fifty (150) feet. Private driveways in this case would, of course, connect with such minor street;
 - C. By means of a minor street platted more or less parallel with the highway, six hundred (600) to one thousand (1,000) feet distant therefrom, from which loop streets or dead-end streets would extend toward the highway and provide access to the lots backing upon the highway.

- (2) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except in the case of an interior street paralleling an expressway or primary street:
- (a) The lengths of blocks shall be such as are appropriate for the locality and the type of development contemplated, but normally shall not exceed fifteen hundred (1,500) feet where the average size of lots does not exceed one (1) acre in area.
 - (b) In any block over one thousand (1,000) feet in length the Commission may require that a crosswalk or pedestrian way, not less than ten (10) feet wide, be provided near the center and entirely across such block.
 - (c) The number of intersecting streets along the arterial streets shall be held to a minimum. Wherever practicable, blocks along such trafficways shall be not less than one thousand (1,000) feet in length. (Ord. 2007-15, S4, June 20, 2007) (Ord. 1993-17, Art. IV, S1B, 1993; Ord. 908, S3(g), 1978; Ord. 896, Art. IV, S1B, 1977)



17.04.030 Minimum Right-of-Way Widths

All dedicated rights-of-way shall conform to the following minimum dimensions:

Principal Arterial Streets	120 feet
Minor Arterial Streets	100 feet
Major Collector Streets.....	80 feet
Minor Collector Streets	70 feet
Local Streets.....	60 feet
Cul-De-Sac Streets.....	60 feet
Crosswalks	10 feet
Utility Easements.....	20 feet
Cul-De-Sac Turn-around radius	55 feet
Alleys	20 feet

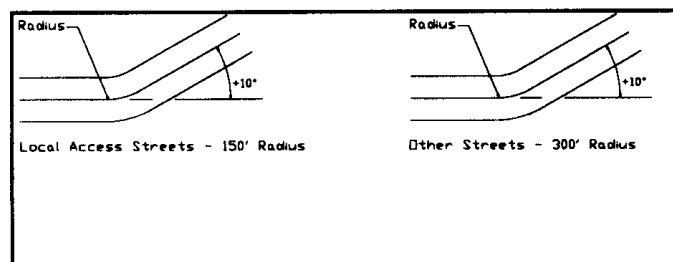
There shall be no permanent dead-end streets, but the Commission may approve a “T” or “L” shaped space in place of the turn-around on a cul-de-sac. (Ord. 2007-15, S5, June 20, 2007) (Ord. 1993-17, Art. IV, S1C, 1993; Ord. 1016, S1, 1980; Ord. 908, S3 a, b, 1978; Ord. 896, Art. IV, S1C, 1977)

17.04.040 Minimum Pavement Width. All streets shall have a minimum pavement width of forth (40) feet unless if an exception below applies. Streets shall be constructed as shown in the City of Jasper’s Design Standards and Specifications Manual, at the subdivider’s expense.

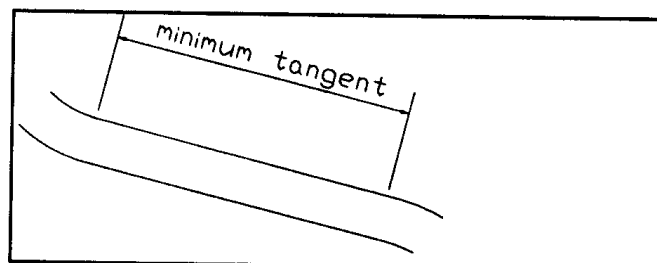
- (1) The pavement of a turning circle at the end of a cul-de-sac street shall have a minimum outside diameter of one hundred (100) feet. A "T" or "L" shaped paved space, when approved by the Commission in place of a turning circle, shall extend entirely across the width of the street right-of-way and shall be at least twenty (20) feet wide with the flared portion rounded by minimum radii of twenty (20) feet; and
- (2) Alleys: full width of the right-of-way.
- (3) All streets in residential, industrial, or commercial zones, the minimum pavement width shall be forty (40) feet from face of curb to face of the curb on the opposite side except as set forth in paragraph four (4) and five (5) hereof.
- (4) In a residential zone, if approved by the Board of Public Works and Safety prior to the final approval of the Jasper City Plan Commission, the minimum pavement width may be thirty-two (32) feet with a five (5) foot sidewalk on one side on a Local Street with “No Parking” on one side.
- (5) In an industrial zone, if approved by the Board of Public Works prior to the final approval of the Jasper City Plan Commission, the minimum pavement width may be twenty-four (24) feet with a minimum of eight (8) foot shoulders for each side thereof with "No Parking" on the shoulders. Any widening of any street shall be made in accordance with the provisions of City of Jasper’s Design Standards and Specification Manual. (Ord. 2010-6, S2, April 21, 2010) (Ord. 2007-15, S6, June 20, 2007) (Ord. 1994-14, S1, 1994) (Ord. 1993-17, Art. IV, S1D, 1993) (Ord. 1106, S1, 1982) (Ord. 1016, S2, 1980) (Ord. 896, Art. V, S1D, 1977)

17.04.050 Street Grades, Curves and Sight Distances

- (1) The minimum vertical grade for all streets shall not be less than 0.5%.
- (2) The maximum vertical grade for arterial streets shall not exceed 7.5%, for collector streets shall not exceed 10%, and for other local access streets shall not exceed 12%; provided, however that within the first twenty-five (25) feet off the outer edge of the pavement of a street or railway intersection, pavement will be designed on a two percent (2%) downward grade corrected by a fifty (50) foot vertical curve to a maximum grade.
- (3) Clear visibility, measured along the centerline of the street a plane of four (4) feet above street grade shall be provided for at least three hundred (300) feet on all arterial streets, two hundred (200) feet on collector streets, and at least one hundred and fifty (150) feet on all other streets.
- (4) The maximum length cul-de-sac street shall be six hundred (600) feet measured along the centerline from the intersection at origin to the center of circle. Each cul-de-sac shall have a terminus of nearly circular shape with minimum right-of-way radius of fifty five (55) feet, unless the Commission approved an equally safe and convenient form of space instead of the required turning circle.
- (5) To insure adequate sight distances, when the street centerline deflects more than ten (10) degrees, connections shall be made by horizontal curves. The minimum centerline radius shall be one hundred fifty (150) feet for local access streets, three hundred (300) feet for collector streets, and five hundred (500) feet for arterial streets.



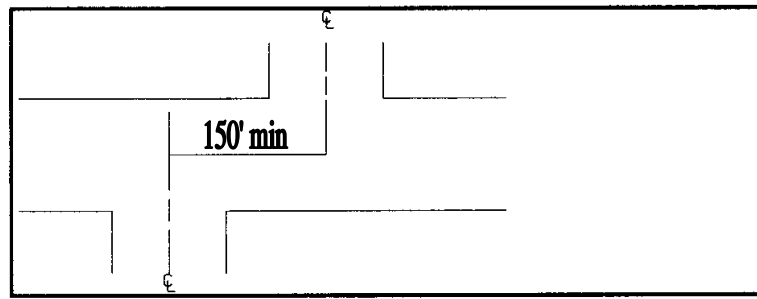
- (6) A tangent of at least one hundred (100) feet shall be introduced on collector streets, and a tangent of at least five hundred (500) feet shall be introduced on Arterial Streets.



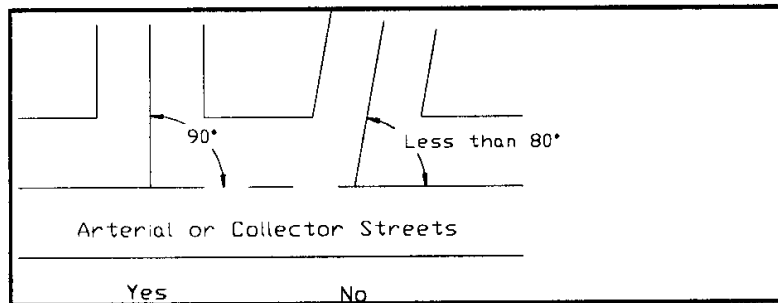
(Ord. 2007-15, S8, June 20, 2007) (Ord. 1993-17, Art. IV, S1E, 1993) (Ord. 908, S3 c, d, f, 1978) (Ord. 896, Art. IV, S1E, 1977)

17.04.060 Intersections.

- (1) At street and alley intersections, property line corners shall be rounded by an arc, the minimum radius of which shall be thirty (30) and ten (10) feet respectively. In business districts, a chord may be substituted for such arc.
- (2) Street curb intersections shall be rounded by radii of at least thirty (30) feet.
- (3) The above minimum radii shall be increased when the smallest angle of intersection is less than ninety (90) degrees.
- (4) Intersections of more than two (2) streets at one point shall be avoided.
- (5) Street intersections with centerline offsets of less than one hundred fifty (150) feet shall not be permitted.



- (6) All streets shall intersect at ninety (90) degrees whenever possible for a minimum distance of one hundred (100) feet; however, in no instance shall they intersect at less than eighty (80) degrees onto Arterial or Collector streets or less than seventy (70) degrees onto local streets.



- (7) The following paragraphs shall be required as a provision of the restrictive covenants and Deed Dedication language of all final plats to which they apply.
 - (a) No fence, wall, hedge, tree or shrub planting which obstructs sight lines and elevations between two and one-half (2.5) and ten (10) feet above the street shall be

placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points thirty-five (35) feet from the intersection of said street lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended.

- (b) The same sight line limitations shall apply to any lot within ten (10) feet of the intersection of a street right-of-way line with the edge of the driveway pavement or alley line.
- (8) At the intersection of any proposed residential street with an arterial or collector street, acceleration and deceleration lanes, passing blister, or left turn lanes shall be provided on the arterial or collector street, in accordance with standards established by the current edition of "A Policy on Geometric Design of Highways and Streets," by the American Association of State Highway and Transportation Officials. (Ord. 2007-15, S9, June 20, 2007) (Ord. 1993-17, Art. IV, 1F, 1993; Ord. 908, S3e, 1978; Ord. 896, Art. IV S1F, 1977)

17.04.070 Lots.

- (1) The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated, and shall conform with the provisions of the Zoning Ordinance.
- (2) Excessive depth in relation to width shall be avoided. (A proportion of two (2) to one (1) normally shall be considered appropriate.)
- (3) Every lot shall abut on a street.
- (4) Lots for residence purposes shall be at least fifty (50) feet wide at the building line, in order to permit compliance with the side yard requirements of the Zoning Ordinance.
- (5) Double frontage lots should not be platted, except as provided in Article IV, Section 1, Paragraph B.(1)f of Ordinance 1993-17 or 17.04.020(1) (e) of this Chapter.
- (6) Side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot abuts.
- (7) Corner lots for residential use shall be platted wider than interior lots in order to permit conformance with the setback on the side street required by the Zoning Ordinance.
- (8) The minimum lot size shall be as provided in the Zoning Ordinance.
- (9) Residential lots fronting or abutting on arterial streets should have a minimum depth of one hundred fifty (150) feet to permit buildings to be set back greater than minimum distance from such trafficways. (Ord. 2007-15, S10, June 20, 2007) (Ord. 1993-17, Art. IV, SG, 1993; Ord. 908, S3h, 1978; Ord. 896, Art. IV SG, 1977)

17.04.080 Easements.

- (1) Where alleys are not provided, easements for utilities shall be provided. Such easements shall have minimum widths of twenty (20) feet, and where located along lot lines, one-half (½) the width shall be taken from each lot.
- (2) Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, adequate areas for storm water or drainage easements shall be allocated for the purpose of widening, deepening, sloping, improving or protecting said watercourses in accordance with the requirements of the County Drainage Board or the City Board of Works and Safety.
- (3) Whenever practicable, the subdivider shall be encouraged to design for the placement of utility lines underground, following the required standards and specifications established by each utility company. The location of each underground utility system shall be shown by appropriate easement lines on the proposed plat. (Ord. 2007-15, S11, June 20, 2007) (Ord. 1993-17, Art. IV, S1H, 1993) (Ord. 1047, S1, 1981) (Ord. 896, Art. IV, S1H, 1977)

17.04.090 Building Setback Lines. Building setback lines shall be shown as established by the Zoning Ordinance. (Ord. 2007-15, S12, June 20, 2007) (Ord. 1993-17, Art. IV, S1I, 1993) (Ord. 896, Art. IV, S1I, 1977)

17.04.100 Public Open Spaces. Where sites or locations for parks, schools, playgrounds, or other public uses are located within the subdivision area as shown on the Comprehensive Plan or deemed to be desirable, the Commission may request their dedication for such purposes, or their reservations for a period of four (4) years following the date of approval of the Final Plat. In the event the governmental agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended for an additional one (1) year. (Ord. 2007-15, S13, June 20, 2007) (Ord. 1993-17, Art. IV S1J, 1993) (Ord. 896, Art. IV, S1J, 1977)

17.04.110 Exceptions and Acceptable Modifications.

- (1) The general principles of design and the minimum requirements for the laying out of subdivisions may be varied by the Commission in the case of a subdivision large enough to constitute a more or less self-contained neighborhood to be developed in accordance with a comprehensive plan safeguarded by appropriate restrictions, which in the judgment of the Commission make adequate provision for all essential community requirements; provided, however, that no modification shall be granted by the Commission which would conflict with the proposals of the Thoroughfare Plan, or with other features of the Comprehensive Plan, or with the intent and purpose of said general principles of design and minimum requirements.
- (2) In the case of a small subdivision of minor importance situated in a locality where conditions are well defined, the Planning Commission may exempt the subdivider from complying with some or all of the requirements pertaining to the preparation of the preliminary plat.
- (3) A proposed division of a parcel of land along an existing public street, not involving the opening, widening, or extension of any street or road, and involving no more than four (4)

lots after the original tract has been completely subdivided, may be submitted to the Commission for approval without platting; and if the Commission is satisfied that such proposed division is not contrary to applicable platting, subdividing, or zoning regulations or to the Comprehensive Plan, it shall within thirty (30) days after submission, approve such proposed decision and, on presentation of a conveyance of said parcel, shall stamp the "approved by Jasper City Plan Commission, Jasper, Indiana; no plat required" and have it signed by an official as may be designated by it. In so doing, the Commission may require the submission of a sketch and such other information as is pertinent to its determination hereunder.

- (4) Acceptable Modifications from the Subdivision Control Ordinance. When the subdivider can show that a provision of the Subdivision Control Ordinance would cause unnecessary hardship if strictly adhered to and where a determination has been made in writing by the Commission that:
 - (a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - (b) The use and value of the area adjacent to the property included in the modification will not be affected in a substantially adverse manner;
 - (c) Because of topographical or other conditions peculiar to the site, the strict application of the terms of the Subdivision Control Ordinance would result in practical difficulties in the use of the property; and
 - (d) A departure may be made from the Subdivision Control Ordinance without destroying the intent of such provision, the Commission may authorize a modification during primary approval of the plat. Any modification thus authorized is required to be entered in writing in the minutes of the Commission. However, any modification from the construction standards contained within the City of Jasper Design Standards and Specifications Manual may only be considered by the Commission after a favorable recommendation from the Board of Public Works and Safety of the City of Jasper. A modification requested from the Subdivision Control Ordinance to the Jasper City Plan Commission must be described in the legal notice required under this Chapter. (Ord. 2007-15, S14, June 20, 2007) (Ord. 1993-17, Art. IV, S1K, 1993) (Ord. 896, Art. IV, S1K, 1977)

17.04.120 Commercial and Industrial Subdivisions. It is recognized that the subdivider, in creating commercial and industrial subdivisions, faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the Commission shall be upon street layout and block arrangement. Generally, the procedural requirements shall be for the owner to follow the regular procedure outlined in these regulations, however, the subdivider need show only two lots along with the street and block layout. Then from time to time, as prospective buyers or users express interest in lots sized to their required specifications, the owner shall submit an amendment to the approved recorded subdivision plat for consideration. Regular procedural requirements of the Commission following the receipt of a final subdivision plat shall then apply, except those streets that have been built by following an approved set of plans on the previously approved final plat, shall not have to be rebuilt because of the adoption of new criteria. This shall also apply to storm drainage facilities within said subdivision unless run-off

characteristics have been changed by the newly proposed improvements or unauthorized existing improvements. (Ord. 2007-15, S15, June 20, 2007) (Ord. 1993-17, Art. IV, S1L, 1993; Ord. 896, Art. IV, S1L, 1977)

Chapter 17.05

MINIMUM STANDARDS OF IMPROVEMENTS

Sections:

- 17.05.010 Requirements Prior to Filing Final Plat.**
- 17.05.020 Monuments and Markers.**
- 17.05.030 Streets.**
- 17.05.040 Sewers.**
- 17.05.050 Water.**
- 17.05.060 Storm Drainage.**
- 17.05.070 Curb and Gutter.**
- 17.05.080 Sidewalks, Pedestrian Paths, Jogging Paths, and Bicycle Paths.**
- 17.05.090 Street Signs.**
- 17.05.110 Easements.**
- 17.05.120 Post Construction Plans (As-Built).**
- 17.05.130 Inspection.**
- 17.05.135 Minimum Standards for Street Construction.**
- 17.05.136 Road Improvement Standards on Existing County Highways.**
- 17.05.140 Acceptable Modifications from the Subdivision Control Ordinance.**

17.05.010 Requirements Prior to Filing Final Plat. The Final Plat of the subdivision shall conform to the following:

- (1) All of the improvements required under these Regulations shall be constructed prior to filing with the Commission of the Final Plat for final approval, in accordance with the specifications and under the supervision of the officials having jurisdiction; or
- (2) In lieu of constructing said improvements as referred to in subsection (1), the subdivider shall furnish a bond which shall run to the City and shall be in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with this Ordinance, and be with surety satisfactory to the City of Jasper. The Commission shall specify the initial time for the completion of the improvements and installations. In the event the subdivider is unable to complete the improvements and installations in compliance with this Ordinance in the time specified, subdivider may request an extension of said time from the Board of Public Works and Safety. In the event the subdivider has completed a portion of the improvements and installations in compliance with this Ordinance, subdivider may request a reduction in their bond amount from the Board of Public Works and Safety. The Board of Public Works and Safety reserves the right to deny requests for extensions of time or for reduction in bond amounts. Any funds received from these bonds shall be used by the City for completion of the improvements and installations for which they were provided. (Ord. 2007-15, S16, June 20, 2007) (Ord. 1993-17, Art. V S1, 1993; Ord. 896 Art. V S1, 1977)

17.05.020 Monuments and Markers. The Final Plat shall also conform to the following requirements and standards:

- (1) Monuments and Markers shall be placed so that the marked point shall coincide exactly with the intersection of lines to be marked.

- (2) Monuments shall be set with the top not less than one (1) inch above nor more than three (3) inches below the finished grade and shall be placed at all corners and angle points in the boundary subdivision.
- (3) Markers shall be set, with the top level with the finished grade and shall be placed:
 - (a) at the beginning and ending of all curves along street property lines;
 - (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 other lot corners not established by a monument.
- (4) Monuments shall be of concrete with a minimum diameter of six (6) inches and a minimum length of three (3) feet, and shall be marked on top with a copper or brass dowel set flush with the top of the monument. Markers shall consist of iron pipe or iron or steel bars at least three (3) feet long, and not less than five-eighths ($\frac{5}{8}$) inch in diameter. (Ord. 2007-15, S17, June 20, 2007) (Ord. 1993-17, Art. V S2A, 1993) (Ord. 896 Art. V, S2A, 1977)

17.05.030 Streets.

- (1) Streets and alleys shall be completed as shown on the plans, profiles and cross-sections prepared by the subdivider in accordance with this Ordinance and as approved by the Commission.
- (2) The streets and alleys shall be graded, surfaced and improved to the dimensions required by the cross-sections and the work shall be performed in the manner prescribed by the City of Jasper Design Standards and Specifications Manual.
- (3) Prior to placing the street and alley surfaces, adequate subsurface drainage for the street shall be provided by the subdivider. Subsurface drainage pipe, when required, shall be as described by the current edition of "INDOT Standard Specifications" and as approved by the Commission. Upon completion of the street and alley improvements, plans and profiles as built shall be filed with the Commission and the proper governing body of the County or the City Board of Public Works.
- (4) All traffic control devices shall comply with guidelines and requirements of the current edition of the Indiana Manual on Uniform Traffic Control Devices.
- (5) Before any bond covering a street installation is released, the Commission, City Engineer, Zoning Administrator, or the Board of Public Works and Safety may request that core borings (asphalt or concrete) of the street be provided to the Board of Public Works or its designated representative, at the subdivider's expense, for thickness determination.

- (6) Prior to the acceptance of asphalt streets, the subdivider shall employ and pay for the services of an independent testing laboratory to take cores at selected locations and perform Marshall stability, flow and density test, and percent of compaction determination on completed asphalt work if so directed by the Board of Public Works or its designated representative.
- (7) Prior to acceptance of concrete streets, the subdivider must provide satisfactory test results from an independent testing laboratory to the Board of Public Works or its designated representative.

Concrete paving mixes shall comply with guidelines of IDOHSS Section 501.03 and shall meet the testing requirements of Section 501.03 (a). However, in lieu of forming test beams as described in Section 501.03 (a) 2, the subdivider may substitute cylinder tests as follows:

- (a) Make test cylinders in sets of four. Field cure one cylinder. Break field-cured cylinder at seven days. Laboratory cure the remaining three cylinders from each set of four. Break laboratory-cured cylinders at 28 days. The subdivider shall be responsible for handling and transportation of cylinders.
 - (b) If fly ash is used in the mix, a total set of seven cylinders shall be taken. The additional three cylinders shall be laboratory cured and broken at 56 days, if the 28-day strength does not meet specifications.
 - (c) Make one set of test cylinders for each 100 cubic yards, or fraction of 100 cubic yards, of concrete placed or at other times requested by the Board of Public Works or its designated representative.
 - (d) Unless otherwise specified, concrete shall have a 28-day compressive strength of 4500 psi as demonstrated by laboratory tests of cylinders provided to the Board of Public Works or its designated representative.
- (8) The subdivider must request permission from the Jasper Street Commissioner before installing the surface layer of asphalt on street within the subdivision. If the Street Commissioner does not grant said permission, subdivider may request permission from the Board of Public Works and Safety of the City of Jasper to install the surface layer of asphalt on the streets within the subdivision. At the time of subdivider's request, the Board of Public Works and Safety may require the subdivider to delay the installation for a maximum of two years, one year at a time, based on the amount of construction activity taking place in the subdivision, when the Board determines that the delay will improve the final quality of the street. In the alternative, the Board of Public Works and Safety may allow the subdivider the option of installing the surface layer of asphalt on the streets and post with the City a maintenance bond in favor of the City of Jasper, Indiana, in an amount and form to be determined by the Board of Public Works and Safety to provide for the repair of any damage to any streets in the subdivision damaged as a result of construction of structures within the subdivision, for a maximum period of two years. (Ord. 2007-15, S18, June 20, 2007) (Ord. 1993-17, Art. V, S2B, 1993) (Ord. 896, Art. V, S2B, 1977)

17.05.040 Sewers.

- (1) The subdivider shall provide a complete sanitary sewer system, which shall connect with a sanitary sewer outlet approved by the Dubois County Health Department and/or the governing body of the treatment/collection system or its designated representative, except that when such approved outlet is not available because the subdivision does not lie within a service area of any treatment/collection system, one of the following methods of sewage disposal shall be used:
 - (a) A complete sanitary sewer system to convey the sewage to a treatment plant to be provided by the subdivider in accordance with the minimum requirements of the County and State Health Departments. When a sanitary sewer system is installed it shall include all laterals and service sewers to the property line of lots to be served; or
 - (b) Private sewage disposal system on individual lots consisting of a septic tank and tile absorption field or other approved sewage disposal system, when laid out in accordance with standards of the Dubois County Health Department.
- (2) The plans for the installation of a sanitary sewer system shall be prepared by the subdivider and approved by the governing board of the treatment/collection system or its designated representative and/or the Dubois County Health Department, and the plans for such system as built shall be filed with the Commission.
- (3) In this section, the phrase "the subdivider shall provide" shall be interpreted to mean that the subdivider shall install the facility referred to, or in the case of a private sewage disposal system, that the subdivider shall require, as a condition of the sale of each parcel in the subdivision, that the facilities referred to in these paragraphs shall be installed by the owner of the lots in accordance with these regulations. (Ord. 2007-15, S19, June 20, 2007) (Ord. 1993-17, Art. V S2C, 1993) (Ord. 896, Art. V S2(C), 1977)

17.05.050 Water.

- (1) The subdivider shall provide a complete water main supply system which shall be connected to a municipal or community water supply approved by the Dubois County Health Department; except, that when such municipal or community water supply is not available because the subdivision is not located within the urban service area, the subdivider shall provide an individual water supply on each lot in the subdivision in accordance with the requirements of the Dubois County Health Department.
- (2) The plans for the installation of a water main supply system shall be prepared by the subdivider and approved by the Dubois County Health Department and/or the governing body of the water utility or its designated representative. Upon completion of the water supply installation, the plans for such system as built shall be filed with the appropriate department of the City.
- (3) In this section, the phrase "the subdivider shall provide" shall be interpreted to mean that the subdivider shall install the facility referred to, or in the case of an individual water

supply, that the subdivider shall require, as a condition of the sale of each parcel in the subdivision, that the facilities referred to in these paragraphs shall be installed by the owner of the lots in accordance with these regulations. (Ord. 2007-15, S20, June 20, 2007) (Ord. 1993-17, Art. V, S2D, 1993) (Ord. 896, Art. V S2(D), 1977)

17.05.060 Storm Drainage.

- (1) The subdivider shall provide a storm water sewer system, of the type approved by the Commission, and designed as per the City of Jasper Design Standards and Specifications Manual. When the natural surface drainage is deemed adequate by the Plan Commission and curb and gutter is not installed, easements shall be provided for surface drainage.
- (2) In this section, the phrase “the subdivision shall provide” shall be interpreted to mean that the subdivider shall install the facility referred to. (Ord. 2007-15, S21, June 20, 2007) (Ord. 1993-17, Art. V, S2E, 1993) (Ord. 896, Art. V, S2(E), 1977)

17.05.070 Curb and Gutters.

- (1) Wherever a proposed subdivision lies adjacent to or in proximity of other developed areas currently provided with curb and gutter or that have more than three (3) lots per acre of land plotted into lots, the subdivider shall provide curb and gutter on each side of the street surface in the proposed subdivision.
- (2) Curbs and gutters shall comply with the City of Jasper Design Standards and Specification Manual. As an alternate, curb sections which comply with INDOT standard details will be permitted upon approval of the Commission and the Board of Public Works and Safety or the City of Jasper.
- (3) All curb and gutter sections placed on arterial and collector streets shall be of the barrier type. ‘V’ type curb and gutter sections may be allowed for local access streets, but only upon specific approval of the Board of Public Works and Safety.
- (4) Curbs and gutters shall be constructed according to the following specifications:
 - (a) The base for the curbs and gutters shall be well compacted aggregate base on the existing subbase or grade, as shown in the City of Jasper Design Standards and Specifications Manual.
 - (b) The minimum grade of any street gutter shall be not less than the minimum street grade.
 - (c) Inlet grates shall be heavy duty type recommended for bicycle traffic. Inlet grates should be depressed slightly below the plane of the gutter to improve removal of runoff water. (Ord. 2007-15, S22, June 20, 2007) (Ord. 1993-17, Art. V, S2F, 1993) (Ord. 896, Art. V, S2F, 1977)

17.05.080 Sidewalks, Pedestrian Paths, Jogging Paths, and Bicycle Paths.

- (1) Whenever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with sidewalks, the Commission shall require connecting sidewalks on both sides of the streets which are extensions of existing streets having such sidewalks.
- (2) If sidewalk, pedestrian path, jogging path, and/or bicycle way are to be installed, a plan shall be submitted with the Primary and Secondary Plat drawings to the Commission.
- (3) Sidewalks shall be at least six (6) inches thick at drives and at least five (5) inches thick at all other locations. Sidewalks shall be at least five (5) feet wide. Sidewalks shall be portland cement type in accordance with "Standard Specifications" of the Indiana Department of Transportation, latest edition or the City of Jasper Design Standards and Specifications Manual, based upon the jurisdiction of the right-of-way.
- (4) Curb ramps for handicapped accessibility shall be provided at all intersections with streets, alleys and drives. Overhead obstructions shall be cleared to a height of at least fourteen (14) feet. Curb ramps shall comply with INDOT Standard Details or the City of Jasper Design Standards and Specifications Manual, based upon the jurisdiction of the right-of-way.
- (5) Pedestrian paths, other than sidewalks, shall be constructed to a minimum width of five (5) feet. The paths shall be constructed of crushed stone, bark chips, paving stones, or other similar surface material.
- (6) Standards and Specifications for bicycle ways/jogging paths shall be addressed on a case-by-case basis by the City Engineer and Commission.
- (7) All ways/paths shall be placed on properly prepared and compacted subgrades. Materials shall be furnished and installed in accordance with "Standard Specifications" of the Indiana Department of Transportation, latest edition.
- (8) When sidewalks or pathways cross major street intersections within or adjacent to the subdivision, necessary safety devices such as painted crosswalks, signs, or other traffic control devices shall be installed at the subdivider's expense.
- (9) If not located within the public right of way, easements of at least ten (10) feet in width shall be provided for sidewalks, pedestrian paths and bicycle paths. (Ord. 2007-15, S23, June 20, 2007) (Ord. 1993-17, Art. V, S2G, 1993) (Ord. 908, S4B, 1978) (Ord. 896, Art. V, S2G, 1977)

17.05.090 Street Signs. The subdivider shall provide, at their expense, standard city street signs and posts as required by the Jasper Street Department for all streets within the subdivision, including, but not limited to, street markers, stop signs, and speed limit signs. Said signs shall be High Intensity grade and in compliance with the specifications in the Manual on Uniform Traffic Control Devices. (Ord. 2007-15, S24, June 20, 2007) (Ord. 1993-17, Art. V, S2H, 1993) (Ord. 896, Art. V, S2H, 1977)

17.05.110 Easements. Sufficient public utility and drainage easements shall be provided in all developments. (Ord. 2007-15, S26, June 20, 2007) (Ord. 1993-17, Art. V, S2J, 1993) (Ord. 896, Art. V, S2(J), 1977)

17.05.120 Post Construction Plans (As-Built). Post Construction plans (as-builts) as detailed and constructed in accordance with Secondary Approval of the Plan Commission, shall be furnished to the City Engineer's Office before improvements are accepted and bonds are released by the Board of Public Works and Safety. (Ord. 2007-15, S27, June 20, 2007) (Ord. 1993-17, Art. V, S2K, 1993) (Ord. 896, Art. V, S2(K), 1977)

17.05.130 Inspection. Prior to starting any of the work covered by the construction plans, arrangements shall be made with the appropriate Department or agency to provide for inspection of the work, to insure compliance with the approved plans and specifications. (Ord. 2007-15, S28, June 20, 2007) (Ord. 1993-17, Art. V, S2L, 1993; Ord. 896, Art. V, S2(L), 1977)

17.05.135 Minimum standards for street construction. Minimum requirements for street construction shall be in accordance with the City of Jasper Design Standards and Specifications Manual. (Ord. 2007-15, S29, June 20, 2007) (Ord. 1993-17, Art. V, S3A, B, C, and D, 1993; Ord. 1126, S1, 2, and 3, 1983; Ord. 1106, S1 and 2, 1982)

17.05.136 Road Improvement Standards for Subdivisions and Additions with Frontage on Existing County Highways.

- (1) Right-of-ways with frontage on existing County Highways shall be designed and constructed in accordance with the City of Jasper Design Standards and Specifications Manual.
- (2) All owners or developers, prior to starting any of the work covered by this ordinance, shall make arrangements with the Dubois County Highway Department for approval of their plans and specifications and for inspection and approval of the roadway as constructed.
- (3) The Board of Commissioners of Dubois County, Indiana, and the Commission of the City of Jasper, reserve the right to modify any of the requirements of this ordinance where it can be shown that local conditions do not warrant construction of a roadway required by this ordinance. The owner or developer shall make a written request to the Dubois County Commissioners and the Commission of the City of Jasper stating the reason for such proposed modification and a copy of the proposed construction plans prior to any construction. (Ord. 2007-15, S30, June 20, 2007) (Ord. 1989-14, 1989)

17.05.140 Acceptable Modifications from the Subdivision Control Ordinance. When the subdivider can show that a provision of the Subdivision Control Ordinance would cause unnecessary hardship if strictly adhered to and where, a determination has been made in writing by the Commission that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) The use and value of the area adjacent to the property included in the modification will not be affected in a substantially adverse manner;

- (3) Because of topographical or other conditions peculiar to the site, the strict application of the terms of the Subdivision Control Ordinance would result in practical difficulties in the use of the property; and
- (4) A departure may be made from the Subdivision Control Ordinance without destroying the intent of such provision, the Commission may authorize a modifications during primary approval of the plat. Any modification thus authorized is required to be entered in writing in the minutes of the Commission. However, any modification from the construction standards contained within the City of Jasper Design Standards and Specifications Manual may only be considered by the Commission after a favorable recommendation from the Board of Public Works and safety of the City of Jasper. A modification requested from the Subdivision Control Ordinance to the Jasper City Plan commission must be described in the legal notice required under this Chapter. (Ord. 2007-15, S31, June 20, 2007) (Ord. 2007-15, S31, June 20, 2007) (Ord. 1993-17, Art. V, S4, 1993; Ord. 896, Art. V, S3, 1977)

Chapter 17.06

ADMINISTRATION

Sections:

- 17.06.010** **Amendment.**
- 17.06.020** **Record of Plats.**
- 17.06.030** **Violation Penalty.**
- 17.06.040** **Effect.**
- 17.06.050** **Appeal.**

17.06.010 Amendment. In accordance with State statutes, the City Council may introduce and consider amendments to the Ordinance as proposed by the City Council, the Plan Commission, or by a citizen's petition. Any proposed amendment shall be referred to the Plan Commission for public hearing, consideration, and report before any final action is taken by the City Council. (Ord. 1993-17, Art. VI, S1, 1993; Ord. 896, Art. VI, S1, 1977)

17.06.020 Record of Plats. All plats of subdivision, after the same have been submitted and approved, as provided in this Ordinance shall be copied upon a book of plats of said County of Dubois and shall be filed and kept by the said County among the records of the County. (Ord. 1993-17, Art. VI, S2, 1993; Ord. 896, Art. VI, S2, 1977)

17.06.030 Violation Penalty. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than ten dollars (\$10.00) and not more than three hundred dollars (\$300.00) and for violations continued or renewed after one conviction, each day's violation shall constitute a separate offense. (Ord. 1993-17, Art. VI, S3, 1993; Ord. 896, Art. VI, S3, 1977)

17.06.040 Effect. All ordinances or part of ordinances in conflict with the provisions of this Ordinance shall not be repealed by the passage of this Ordinance except where such repeal is specifically designated by Ordinance, but the ordinance with the more restrictive applicable provisions shall be the ordinance that applies. (Ord. 1993-17, Art. VI, S4, 1993; Ord. 896, Art. VI, S4, 1977)

17.06.050 Appeal. Any person feeling himself aggrieved at any action of the Commission, or Commission Staff, or lack of action of the Commission, or Commission Staff, upon a proposed plat or replat, may apply in writing to the Commission, prior to the next regular meeting for modification of the action complained of, or lack of action, on the proposed plat or replat. Such application shall be considered by the Commission at such time in such manner as it may determine, but within seventy (70) days following the regular meeting. (Ord. 1993-17, Art. VI, S5, 1993; Ord. 896, Art. VI, S5, 1977)