

## CHAPTER 856

### SUBDIVISIONS: IMPROVEMENT, RESERVATION AND DESIGN STANDARDS

#### 856-1. General Improvement Requirements

- (A) In addition to the requirements established herein, all subdivision plats shall comply with the following laws:
- (1) all applicable State statutory provisions;
  - (2) the County Zoning Ordinance and all other applicable County ordinances, regulations, rules and orders;
  - (3) the Comprehensive Plan, Official Map or Thoroughfare Plan, Park and Recreation Master Plan, and the Capital Improvements Program of the County including all streets, drainage systems, and parks shown on the Official Map or Comprehensive Plan as adopted;
  - (4) the special requirements of these regulations and any rules or orders of the Health Department and/or appropriate state agencies;
  - (5) the rules and regulations of the Indiana Department of Transportation ("INDOT") if the subdivision or any lot contained therein abut a state highway or state frontage road;
  - (6) any highway and drainage standards and regulations adopted by the County and all boards, commissions, agencies, and officials of the County; and
  - (7) all pertinent standards contained within still valid planning guides published by the Plan Commission.

The above notwithstanding, the minimum design and development standards and requirements expressly set forth in the following sections of this Chapter, or incorporated in the following sections of the this Chapter from the Zoning Ordinance, supercede, are controlling, and take precedence over the design and development standards, requirements, maps, tables, objectives, goals, policies, and/or recommendations set forth in the Comprehensive Land Use Plan. Subdivision proposals that comply with the minimum standards and requirements expressly set forth, or incorporated from the Zoning Ordinance, in the following sections of this Chapter, shall be deemed to fully comply with the design and development standards and requirements relevant to subdivision approval. The Comprehensive Plan may not be used to impose design and development standards and requirements that differ from the minimum standards and requirements set forth or incorporated in the following sections of this Chapter.

- (B) Plat approval may be denied based on a finding, supported by record evidence that the implementation of the proposal would result in demonstrable, significant, non-speculative injury to the public health, safety, and welfare.

**856-2. Self-Imposed Restrictions**

If the Owner places or commits to place restrictions on any portion of the land contained in the subdivision which are greater than those required by the Zoning Ordinance or by these regulations, the Commission may require that such restrictions reference thereto be indicated on the subdivision plat, or the Commission may require that restrictive covenants be recorded with the County Recorder, in a form approved by the Commission, and that an appropriate reference to the covenants be indicated on the subdivision plat.

**856-3. Plats Straddling Jurisdictional Boundaries**

Whenever access to the subdivision is required across land which is located in another jurisdiction, the Commission may request assurance from the County Attorney that such access is legally established and from the County Engineer that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. Lot lines shall be laid out so as not to cross boundary lines between different planning and zoning jurisdictions.

**856-4. Boundary Improvements**

The Subdivider, under the supervision of a registered land surveyor, shall have monuments set in accordance with the provisions of 865 IAC 1-12-18. They shall be set following final lot grading but prior to the issuance of any Building Permit.

**856-5. Character of the Land**

Land which the Commission finds to be unsuitable for subdivision or development because of flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, environmental constraints or other features which might reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Commission to solve the problems created by the unsuitable land conditions. Such land shall be set aside for such uses permitted by the Zoning Ordinance as shall not involve any such danger.

**856-6. Subdivision Name**

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name or any other subdivision in the area covered by these regulations. The Commission shall have final authority to designate the name of the subdivision which shall be determined at the time of primary approval.

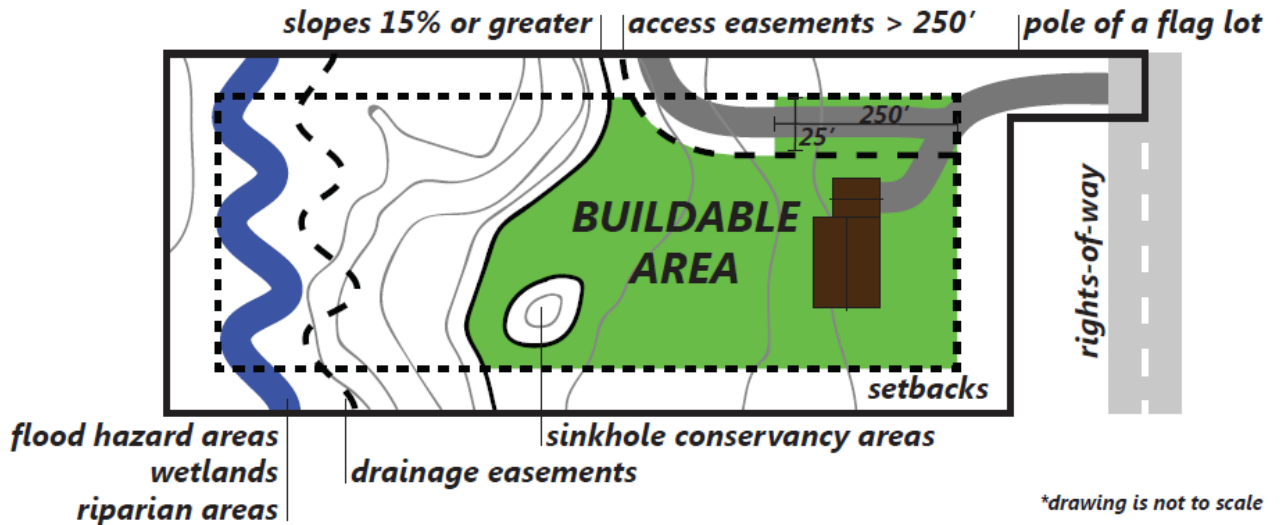
**856-7. Lots: Buildable Area**

Any lot shall include a buildable area. The following shall not be included in buildable area:

- Special Flood Hazard Area as specified in Chapter 808;
- Wetlands as specified in Chapter 801;
- Slopes 15% or greater as specified in Chapter 825 Area 2 Regulations;
- Sinkhole Conservancy Areas as specified in Chapter 829;
- Drainage Easements as specified in Chapter 856;
- Riparian Conservancy Areas as specified in Chapter 801;
- Rights-of-way as specified in Chapter 801;
- Easements for access and in excess of 250 feet in length and 25 foot in width;
- Pole of a flag lot as specified in Chapter 801; and,
- Setbacks as specified by Ordinance.

Any subdivision of land for agricultural or conservation purposes not involving any new street or access easement or any non-agricultural structures shall be exempted from the buildable area requirement and the minimum lot size requirement. Land subdivided for agricultural or conservation purposes must include the use restriction that shall be recorded on the Final Plat and incorporated as a Recorded Commitment referenced on any deed conveying the land.

**Figure 56-1**



856-8.

**Lots: Dimensions**

Lot dimensions shall comply with the minimum standards in the Zoning Ordinance. Where lots are more than double the minimum required lot area for the zoning district, the Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve all such potential lots in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to the street lines (or radial to curving street lines) unless a modification of this rule is approved by the Commission. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets and observing the minimum side yard setback from the other property lines. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for all pertinent Zoning Ordinance requirements.

856-9.

**Lots: Reverse Frontage Lots and Access to Lots**

(A) Lots must have private drive or driveway access.

(B) Reverse frontage lots shall be avoided except where necessary to provide for the separation of residential development from the traffic on arterial and collector streets or to overcome specific disadvantages of topography and orientation affecting the subdivision lots.

(C) In general, reverse frontage lots shall not derive access from an arterial or a collector street. Where driveway access from an arterial or collector street may be the only possible access for several adjoining lots, the Commission may require that such lots be served by a shared access drive or frontage street in order to limit possible traffic hazards from multiple access to the arterial or collector street.

(D) Driveways shall be designed to avoid requiring vehicles to back into traffic on arterial or collector streets, and this provision shall not be waived.

856-10.

**Lots: Soil Preservation, Grading and Site Preparation**

(A) Only temporary certificates of occupancy may be issued unless final grading has been completed in accordance with the approved construction plans and the lot precovered with top soil having a minimum depth of at least (6) inches which shall contain no particles over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting.

(B) Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm water drainage pattern for the area. Drainage shall be designed so as to avoid the accumulation of storm water on any one or more lots from adjacent lots, except as authorized by a Commission approved erosion and/or drainage control plan. It shall be the responsibility of the lot owner to maintain the lot grade, as it applies to drainage, as provided for in the approved construction plans.

(C) Within one (1) week of a land disturbing activity, all lots that have been altered by the land disturbing activity shall be temporarily seeded in the manner prescribed by Practices 3.11 or 3.13 of the Indiana Handbook for Erosion Control in Developing Areas. No land use certificate or certificate of occupancy shall be issued until respreading of soil has been completed and permanent seeding of the lots has been

completed in the manner prescribed by Practices 3.12 or 3.13 of the Indiana Handbook for Erosion Control in Developing Areas. Sod may be used to comply with any requirement of seeding set forth herein.

- (D) No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste material of any kind shall be buried in any land, or left or deposited on any lot or street at the time of occupancy within a subdivision, nor shall such materials be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.
- (E) Each Subdivider and/or Developer shall be required to furnish and install fences wherever deemed necessary by the Commission to address a hazardous condition. The fences shall be constructed in accordance with the relevant Indiana Department of Transportation Standard Specifications, as determined by the County Engineer, and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.
- (F) If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Commission may approve an alternative allocation of interests whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. No part of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street from which it has access, provisions shall be made for installation of a culvert or other structure, of a design approved by the County Engineer.
- (G) The performance bond authorized by Section 858-2 shall include an amount to guarantee completion of all requirements contained in this section including, but not limited to, soil preservation, final grading, lot drainage, lawn-grass seeding, removal of debris and waste, fencing, and all other lot improvements required by the Commission. Whether a building permit, land use permit or certificate of occupancy has been issued, at the expiration of the performance bond, the County may enforce the provisions of the bond where compliance with the provisions of this section or any other applicable law, ordinance, or regulation has not occurred.

**856-11. Streets: Frontage on Improved Streets**

No subdivision shall be approved unless the area to be subdivided shall have frontage on and/or access from an existing street or highway that is shown on the Official Map or that is listed on the State or County Highway Inventory or from a street shown upon a plat approved by the Commission and recorded in the office of the County Recorder. Existing streets or highways must be suitably improved as required by these regulations or be secured by a performance bond required under these regulations, with the width and right-of-way required by these regulations or as indicated on the Official Map or Thoroughfare Plan. Whenever the area to be subdivided is to use an existing street frontage, the street shall be suitably improved as herein provided and may be required to provide a minimum of two (2) points of ingress and egress for any new development.

**856-12. Streets: Grading and Improvement**

Streets shall be graded and improved in accordance with the construction and design standards and specifications set forth or incorporated in these regulations. All street grading and improvement shall comply with the subdivision improvement agreement and may not be commenced until an improvement location permit has been obtained in the manner prescribed by the Zoning Ordinance.

**856-13.**

**Streets: Topography and Arrangement**

- (A) All streets shall be arranged so as to maximize the number of possible building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided. Specific design standards are set forth or incorporated in Section 856-22 of these regulations.
- (B) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the Official Map or Thoroughfare Plan, and/or Comprehensive Plan.
- (C) All arterial and collector streets shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers, to population densities and to the pattern of existing and proposed land uses.
- (D) Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets and points of ingress and egress necessary to provide convenient and safe access to the property.
- (E) Cul-de-loops are prohibited unless their use would result in a more desirable layout and relate better to the existing topography than other street designs.
- (F) Proposed streets shall, where appropriate, be extended to the boundary lines of the tract to be subdivided unless this is prevented by topography or other physical conditions, or unless in the opinion of the Plan Commission such extension(s) is/are not necessary or desirable for the coordination of the layout of the subdivision under consideration with the existing street layout or for the most advantageous future development of adjacent tracts (see Section 856-21(A) below).
- (G) In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, walkways, bikeways, and parking areas so as to minimize conflict of movement between the various types of vehicular and pedestrian traffic.

**856-14.**

**Streets: Blocks**

- (A) The dimensions and shapes of blocks shall be sufficient for two (2) tiers of lots. Exceptions shall be permitted in blocks adjacent to arterial streets, collector streets, rail roads, waterways and property lines.
- (B) The dimensions and shapes of blocks shall be appropriate for the locality and the type of development contemplated.
  - 1. Blocks in residential areas served by local roads, shall not exceed one thousand three hundred and twenty (1,320) feet nor be less than two (2) lots.
  - 2. Blocks along arterial and collector streets shall not be less than one thousand three hundred and twenty (1,320) feet in length.
- (C) Access easements not less than ten (10) feet wide to accommodate utilities, drainage facilities, or bike or pedestrian traffic, may be required through the center of blocks more than eight hundred (800) feet long or at other appropriate locations and at the ends of cul-de-sacs, where deemed essential to provide for circulation or

access to schools, playgrounds, shopping centers, transportation, or other community facilities.

- (D) Blocks designed for industrial uses shall be of dimensions determined to be suitable for the intended use.

**856-15. Streets: Access to Collector Streets**

Lots in single family residential subdivisions shall not derive access from collector streets. Lots at the corners of intersections of local and collector streets shall have driveway access to the local street only and not to the collector street. In multifamily residential areas, primary entrances to group parking lots shall have access only to collector streets. All access drives and all improvements related to such drives shall be designed and constructed in accordance with the Monroe County Driveway Ordinance (see Monroe County Code Chapter 755). Additionally, all shared driveways shall conform to the design standards illustrated in Appendix 856-2 to these regulations.

**856-16. Streets: Access to Arterial Streets**

Where a subdivision borders on or contains an existing or proposed arterial street, the Commission may require that access to it be limited by one of the following means:

- (A) with respect to reverse frontage lots; no access shall be provided from the arterial street and buffer landscaping shall be provided within a landscape easement along the arterial street;
- (B) a series of cul-de-sacs entered from, and designed generally to be at right angles to a local street that is at some distance from and parallel to the arterial street, with no access onto the arterial street;
- (C) a marginal access or service road separated from the arterial street by buffer landscaping; and,
- (D) all access drives and all improvements related to such drives shall be designed and constructed in accordance with the Monroe County Driveway Ordinance (see Monroe County Code Chapter 755). Additionally, all shared driveways shall conform to the design standards illustrated in Appendix 856-2 to these regulations.
- (E) Proposed subdivisions that would derive direct access from State Road 37 shall not be approved. This requirement shall not be waived.

**856-17. Streets: Names**

The preliminary plat, as submitted, shall indicate names of proposed streets. As part of preliminary plat review, the Administrator shall refer to proposed street names to the local postmaster for comment regarding duplication of names and possible confusion. The Administrator shall prepare a recommendation for the Commission regarding the proposed street names and/or revisions to the proposed street names. Names shall be sufficiently different in sound and in spelling from other street names in the County or other nearby areas so as to avoid confusion. A street which is, or is planned as, a continuation of an existing street shall bear the same name. The Commission shall be responsible for approving the names of subdivision streets.

**856-18. Streets: Regulatory Signs**

The Applicant shall provide and install a street identification sign at every street intersection within the subdivision and the Applicant shall provide and install all traffic control signs within the subdivision as required by the County Engineer. All signs required under this section shall be inspected and must be approved by the County Engineer before the performance bond authorized by Section 858-2 of these regulations may be released. All such signs shall conform to the Indiana Manual on Uniform Traffic Control Devices as to form, color, size, message, arrangement and placement.

**856-19. Streets: Lights**

Street lights may be required in urbanized areas. If the Subdivider intends or is required to install street lights within the County street right-of-way, the location and installation of such lights shall not in anyway interfere with the County's use of the right-of-way as determined by the County Engineer. The Subdivider shall be responsible for the design, installation, location, maintenance and operation of such street lights unless such responsibility is assigned to and accepted by a homeowners' association or other entity.

**856-20. Streets: Spite Strips**

The creation of spite strips shall not be permitted.

**856-21. Streets: Construction of Streets**

**(A)** The arrangement of streets shall provide for the continuation of streets between adjacent subdivisions or other properties when continuation is necessary for the convenient movement of traffic, for effective emergency services, for efficient provision of utilities, and where continuation is in accordance with the Comprehensive Plan.

1. In the event temporary dead-end streets are necessary to provide for the future continuation of subdivision streets, the temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued.
2. Temporary turnarounds must be provided at the ends of temporary dead-end streets. The length of temporary dead-end streets may be limited in accordance with the design standards in these regulations.

**(B)** Where a street does not extend beyond the boundary of the subdivision and its continuation is not required for access to adjoining property.

1. Its terminus shall normally not be nearer to such boundary than fifty (50) feet.
2. Dedication of an appropriate easement to accommodate drainage facilities, pedestrian and bicycle traffic, or utilities shall be provided.
3. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with the standards and specifications set forth or incorporated in these regulations.

**(C)** All streets shall be constructed in the manner prescribed by the Indiana Department of Transportation Standards and Specifications Manual. This requirement shall not be waived for any street or access easement, either privately or publicly maintained, that will be used to derive access by five (5) or more existing or created lots. The constructed street must serve all existing and created lots. If a private drive is to be



used by four (4) existing or created lots or less, easements shall be dedicated per section 856-42(C) and this drive does not have to be constructed to County Highway standards.

**856-22. Streets: Design Standards Requirement**

- (A) In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access for police, fire-fighting, snow removal, sanitation, and street maintenance equipment, and to coordinate street location in order to achieve a convenient system and avoid undue hardships to adjoining properties, the design standards for streets, set forth in these regulations, the most recent editions of the Indiana Department of Highways Road Design Manual, Bridge Design Manual, and A Policy on Geometric Design of Highways and Street, published by the American Association of State Highway and Transportation Officials, are hereby required. The use of any other procedure, equipment, or material which is found, by the County Engineer, to produce an acceptable end product, may be approved by the Board of County Commissioners upon request.
- (B) Streets shall be classified by the Board of Commissioners in accordance with the Monroe County Thoroughfare Plan.
- (C) Approved street cross-section drawings are set forth in Appendix 856-1 to these regulations.

**856-23. Streets: Surfacing and Improvements**

After sewer and water utilities have been installed by the Developer, the Applicant shall construct curbs and gutters and shall surface or cause the roadways to be surfaced to the widths prescribed in these regulations. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as determined by the County Engineer. Adequate provision shall be made for culverts, drains, and bridges. All street pavement, shoulders, drainage improvements and structures, curbs, turn-arounds, and sidewalks shall conform to all construction standards and specifications adopted set forth or incorporated in these regulations and shall be incorporated into the construction plans required under Section 854-9 of these regulations.

**856-24. Streets: Excess Right-of-way**

Right-of-way widths in excess of the standards designed in these regulations shall be required whenever, due to topography, additional width is necessary to provide for adequate and stable earth slopes. Such slopes shall not be in excess of three to one (3:1) or two to one (2:1) near drainage structures that exceed nine feet and eleven inches in length (9'11").

**856-25. Streets: Railroads and Limited Access Highways**

Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- (A) In residential districts a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon, other than earth berms, walls, fences and other landscape screening devices approved by the Commission, is prohibited."

- (B) In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to a railroad shall, wherever practical, be at a sufficient distance therefrom to ensure a suitable depth for commercial or industrial sites.
- (C) Streets parallel to a railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

**856-26. Streets: Intersections**

- (A) 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. An oblique street should be approximately at right angles for at least one hundred (100) feet therefrom. No more than two (2) streets shall intersect at any one point.
- (B) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with center-line offsets of less than 150 feet shall not be permitted. Where a local street is proposed to intersect with an arterial street, the alignment of the streets shall be mandatory. Intersections of arterials shall be at least eight hundred (800) feet apart.
- (C) Minimum curb radius at the intersection of two (2) local streets shall be at least twenty-five (25) feet. Minimum curb radius at an intersection involving a collector street or an arterial street shall be at least forty (40) feet. Alley intersections and abrupt changes in street alignment within a block shall have the corners designed in accordance with standard engineering practice to permit safe vehicular movement.
- (D) 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.
- (E) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the Developer shall cut such ground and/or vegetation (including trimming trees) in connection with the grading of the public right-of-way to the extent deemed necessary by the County Engineer to provide an adequate sight distance.

**856-27. Streets: Bridges of Primary Benefit to the Applicant**

Bridges of primary benefit to the Applicant, as determined by the Commission, shall be constructed at the full expense of the Applicant without reimbursement from the County. The sharing of expense for the construction of bridges not of primary benefit to the Applicant, as determined by the Commission, will be fixed by special agreement between the County and the Applicant.

**856-28. Streets: Dedications and Reservations**

- (A) Street systems in new subdivisions shall be laid out so as to avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the

supplemental half of the street shall be dedicated by the Subdivider. The Commission may authorize a new perimeter street where the Subdivider improves and dedicates the entire required right-of-way width within his own subdivision's boundaries.

- (B) Where a subdivision borders an existing narrow street or when the Comprehensive Plan, Official Map, Thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening of a street that would require use of some of the land in the subdivision, the Applicant shall be required to improve and dedicate such streets at his own expense. Such frontage streets and other streets on which subdivision lots front shall be improved and dedicated by the Applicant at his own expense to the full width required by these subdivision regulations. Land reserved and/or used for any street purposes may not be used to satisfy the minimum yard setback or lot area requirements of the Zoning Ordinance.

**856-29. Drainage: System Requirement and Incorporated Standards and Specifications**

The Commission shall not approve a subdivision plat which does not make adequate provision for the safe and efficient disposal of storm and/or flood water runoff. The storm water and/or flood water drainage system shall be separate and independent of any sanitary sewer system and shall be designed and completed in the manner prescribed by: Monroe County Code Chapter 761 (Storm Drainage Control); Monroe County Code Chapter 808 (Flood Damage Prevention); Indiana Department of Transportation Road Design Manual; Indiana Department of Transportation Bridge Design Manual; A Policy on Geometric Design of Highways and Streets (AASHTO); and, all relevant Indiana Code and Indiana Administrative Code Sections. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Commission and the County Drainage Board, and a copy of the design computations shall be submitted along with the plans. (The "Rational Method" is described in Chapter 3 of the County Storm Drainage Manual by Christopher B. Burke, Project for Indiana Counties and Cities, School of Civil Engineering, Purdue University, West Lafayette, July 1994 or any subsequent version, which manual is incorporated herein and is hereinafter referred to as Drainage Manual). Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter or when the encroachment of storm water into the street disrupts traffic. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point and catch basins or inlets shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

**856-30. Drainage: Nature of System**

The Applicant may be required by the Commission to carry away by pipe or open ditch any spring or surface water that may exist, either previous to, or as result of the subdivision. Such drainage facilities shall be located within the street right-of-way where feasible, or in perpetual, unobstructed easements of appropriate width, and shall be designed, approved and constructed in accordance with the standards and specifications set forth or incorporated in these regulations.

**856-31. Drainage: Accessibility to Public Storm Sewer**

- (A) The Subdivider shall install storm sewer facilities throughout the subdivision:
  - (1) if a public storm sewer is reasonably assessable, as determined by the County Engineer;

- (2) if the subdivision lots average fifteen thousand square feet (15,000) or less in area and the subdivision is located in an urban area; or,
- (3) if the subdivision is located in an industrial or a business district.

If a public storm sewer is not reasonably accessible, as determined by the County Engineer, the Subdivider shall make other provisions for the safe and efficient disposal of storm water.

- (B) All required storm water facilities and disposal measures shall be completed in accordance with the standards and specifications set forth or incorporated in these regulations and must be inspected and approved by the County Engineer and/or the County Drainage Board.

**856-32. Drainage: Accommodation of Upstream Drainage**

A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The County Engineer shall determine the necessary size of the facility, based on the standards and specifications set forth or incorporated in these regulations, assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.

**856-33. Drainage: Effect on Downstream Drainage**

The County Engineer shall determine the effect of each proposed subdivision on existing drainage facilities outside the area of the subdivision. County drainage studies together with such other studies as may be available and appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Commission may withhold secondary approval of the subdivision until provision (such as a storage facility) has been made for the improvement of said potential condition.

**856-34. Drainage: Floodway Areas**

- (A) If a subdivision is proposed within the Floodplain, then Floodways shall be preserved and shall not be diminished in capacity by filling or obstruction. No building site may be located within the Floodway.
- (B) Any new subdivision proposing sole access subject to flooding for substantial periods of time that impede the ability of emergency and public services to adequately serve created lots is prohibited, and this requirement shall not be waived.

**856-35. Drainage: Floodway Fringe and Floodplain Areas**

Where a subdivision is proposed within an area of the Floodplain designated as a Floodway Fringe, or in an area for which Floodway and Floodway Fringe designations have not been made, the Commission may approve such subdivision provided that:

- all streets are elevated sufficiently to be above the Regulatory Flood elevation;
- all lots, or portions thereof, for residential usage have a Flood Protection Grade two (2) feet above the regulatory Flood elevation;
- where provided, water and sanitary sewer facilities are constructed to eliminate contamination of or by, flood water; and,
- approval to fill the area from the Indiana Natural Resources Commission and a LOMR from FEMA have been obtained in writing.

Lands below the Regulatory Flood elevation shall not be used for computing the area requirement for any lot.

**856-36. Drainage: Recording of Plats in the Floodplain**

All final plats having within their boundaries areas whose elevation is below that of the Regulatory Flood Elevation shall show and label the Regulatory Flood Boundary and elevation, as of the date the final plat is drawn, on the final plat for recording.

**856-37. Drainage: Dedication of Drainage Easement**

- (A) Where a subdivision is traversed by a drainage course, drainage way, channel, or stream, a storm water easement a drainage right-of-way shall be provided, granted or dedicated to the county conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose of both drainage and maintenance of the right-of-way. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
- (B) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the right-of-way lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or other drainage facilities.
- (C) The Applicant shall dedicate, either in fee or by drainage or conservation, easement land on both sides of existing watercourses of a width to be determined by the Commission and, in the case of legal drains, the County Drainage Board.
- (D) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways unless modifications are deemed necessary by the Drainage Board to improve drainage. Such land or lands subject to periodic flooding shall not be included in the computations for determining compliance with the lot area requirements set forth or incorporated in these regulations (see Section 856-8).

**856-38. Water Supply System**

- (A) If access to a public water system is available, a complete water main supply system that connects to the public water system shall be installed to the specifications of the water utility which will serve the subdivision and/or with all other applicable Indiana statutes, rules, regulations, orders and specifications. The water system shall include any required hydrants.
- (B) If access to a public water system is not available, the Subdivider shall require on each lot, as a condition of sale, the installation of a private water system in accordance with all minimum standards and requirements of the Indiana State Board of Health or other State or County agency.
- (C) All water systems installed to serve the subdivision or any lot thereon must be inspected and approved by the officially designated State, County or municipal agency or by the water utility concerned.

- (D) If sufficient water flow is available, fire hydrants shall be provided at the intervals recommended by the local fire department. Generally, hydrant spacing may range from 350 to 600 feet depending on the nature of the area being served.
- (E) If the subdivided area is planned or scheduled to be served by a public or community water system in the future, the Commission may require the Applicant to provide facilities for future connection.

**856-39.**

**Sewage Disposal System**

- (A) For Major Subdivisions, a complete sanitary sewer system that connects to a public sewage disposal system shall be installed for all lots in the subdivision to the specifications of the sewage disposal utility which will serve the subdivision and/or with all other applicable Indiana statutes, rules, regulations, orders and specifications. This provision may not be waived by the Plan Commission. Major subdivisions with lot sizes equal to or greater than ten (10) acres are not required to be connected to a public sewer system.
- (B) For Minor Subdivisions, a complete sanitary sewer system that connects to a public sewage disposal system shall be installed for all lots in the subdivision to the specifications of the sewage disposal utility which will serve the subdivision and/or with all other applicable Indiana statutes, rules, regulations, orders and specifications. This provision may not be waived by the Plan Commission. However, this provision does not apply to a subdivision where all lots are ten (10) acres or more in area or a Sliding Scale Option subdivision under Chapter 862.
- (C) All sewage disposal systems installed to serve the subdivision or any lot thereon must be inspected and approved by the officially designated State, County or municipal agency and by any water utility concerned.
- (D) If access to a public sewage disposal system is not required and private sewage disposal systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance or of any other County ordinance establishing lot areas for private sewerage disposal systems. The Subdivider shall require on each lot, as a condition of sale, the installation of a private sewage disposal system in accordance with all minimum standards and requirements of the Indiana State Board of Health or other State or County agency.
- (E) 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 to the sewage disposal utility.
- (F) All lots must have access to a public sewage disposal system or contain 1 septic site per dwelling unit approved by the Monroe County Health Department. Otherwise, the deed will be marked "no residential dwelling permitted" to allow for the division of land for agricultural purposes only. If a finger system is in use, the lot must contain a location for another septic site.

**856-40.**

**Sidewalks**

- (A) Sidewalks shall be included within the dedicated, unpaved portions of the rights-of-way on both sides of all streets when any of the following are applicable:
  - (1) the proposed subdivision has road frontage or the streets will connect with an existing or proposed subdivision or business development that has sidewalks, or;

- (2) a proposed major subdivision will be located within an area that is subject to the Business and Industrial Overlay as defined in Chapter 802 of the Zoning Ordinance, or;
- (3) the proposed subdivision is within the Urban Service boundary as shown in the comprehensive plan, or;
- (4) the proposed subdivision is within a designated growth area in one of the Rural Communities as identified by the Comprehensive Plan, or;
- (5) the proposed subdivision has frontage on a street that provides direct access to destinations such as schools, recreational facilities, etc.  
OR  
a proposed subdivision is within 1 mile radius of destinations such as schools, recreational facilities, etc., or;
- (6) a proposed subdivision will result in the creation of at least five lots where any of the lots in the proposed subdivision are less than 2.5 acres in size.

(B) Additionally, the Plan Commission may approve an alternate circulation plan, outside of the right-of-way, if sidewalk and/or access easement (for sidewalks, bikepaths, public access, private access, etc.) locations are clearly identified on the plat. This alternative circulation network may be constructed with an alternative material, approved by the County Highway Engineer that does not comply with Sections C - G of this section.

(C) Concrete curbs, with ramped access, are required for all streets where sidewalks are required.

(D) A grassed or landscaped median strip at least two (2) feet wide shall separate all sidewalks from adjacent curbs. The median strip shall be improved in accordance with these regulations. This requirement may be waived if the sidewalk widths specified below are increased by two (2) feet and a concrete barrier curb is used.

(E) In order to facilitate pedestrian access from the street to schools, parks, playgrounds, or other nearby streets, the Commission may require perpetual unobstructed easements at least twenty (20) feet in width. Such easements shall be indicated on both the preliminary and final plats.

(F) For residential subdivisions, sidewalks shall be constructed to the following widths:

- (1) four (4) feet for local streets;
- (2) five (5) feet for collector streets; and,
- (3) five (5) feet for arterial streets.

For non-residential subdivisions, sidewalks shall be constructed to a width of five (5) feet.

(G) All sidewalks shall be reinforced with steel and shall be designed and completed in accordance with Americans with Disabilities Act standards and in accordance with the Indiana Department of Transportation Road Design Manual.

**856-41.**

**Utilities**

All utilities, including but not limited to gas, sewer, electric power, telephone and CATV shall be located underground throughout the subdivision.

Existing utility lines located above ground on public roads, rights-of-way or in easements serving other property are exempt from this provision.

Existing utility lines servicing residential and residential accessory structures shall be removed and placed underground unless waived.

Waivers from these provisions for existing utility lines may be granted subject to the waiver modifications in Chapter 850-12, Sections A through D, excluding sections 5, 8, and 9. Waivers may be granted via the following process:

1. for Subdivisions of more than 4 Lots by the Plan Commission
2. for Subdivisions of 4 Lots or Less by the Plat Committee

All utility lines and other facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the Subdivider's expense. At the discretion of the Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots that are to be retained in single ownership and that are to be developed for the same primary use.

**856-42.**

**Easements**

- (A) Easements centered on front lot lines shall be provided for utilities (private and municipal), unless rights-of-way are sufficient for that purpose. Such easements shall be at least twenty (20) feet wide. Proper coordination shall be established between the Subdivider and the applicable utility companies for the coordination of utility easements with those established in adjoining properties.
- (B) Where topographical or other conditions are such as to make impractical the inclusion of utilities within front lot line easements or rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width shall be provided along side lot lines with satisfactory access to the road or front lot lines. All easements shall be indicated on preliminary and final plats.
- (C) Easements for privately maintained streets established to provide access to publicly maintained streets shall have a minimum width based on the number of existing or created lots utilizing the privately maintained street, as follows:
  1. four existing or created lots or less, a minimum width of 25 feet shall be required.
  2. five or more existing or created lots, a minimum width of 50 feet shall be required.

This requirement shall not be waived.



**Preservation of Natural Features and Amenities**

- (A) In the design of the subdivision, the preservation of existing features which would add value to the type of intended development or to the County as a whole, such as trees, watercourses falls, beaches, historic spots, and similar irreplaceable assets, shall be encouraged. No trees shall be removed from any proposed subdivision site nor any change of grade of the land affected until preliminary approval has been granted. All trees on the plat which are required to be retained shall be preserved, and all trees, where needed, shall be welled and protected against change of grade. The preliminary plat shall show the number and location of existing trees 11" in diameter or greater (measured 4.5 feet above finish grade) located in areas where any land disturbing activity is proposed, as required by these regulations, and shall further indicate all those marked for retention.
- (B) As a requirement of final approval, the applicant shall plant and/or preserve trees on the property or the subdivision in accordance with the following:
- (1) Street trees shall be planted or preserved within five (5) feet of the right-of-way of the street or streets within and abutting the subdivision, or at the discretion of the Plan Commission and the County Engineer, within the right-of-way of such streets. One tree shall be planted or preserved for every forty (40) feet of frontage along each street. Such trees shall be planted or preserved when any of the following are applicable:
- a. the proposed subdivision will connect with an existing or proposed subdivision or business development that has street trees, or has adjoining road frontage to a street that has street trees, or;
  - b. a proposed major subdivision will be located within an area that is subject to the Business and Industrial Overlay as defined in Chapter 802 of the Zoning Ordinance, or;
  - c. the proposed subdivision is within the Urban Service boundary as shown in the comprehensive plan, or;
  - d. the proposed subdivision is within a designated growth area in one of the Rural Communities as identified by the Comprehensive Plan, or
  - e. a proposed subdivision will result in the creation of at least five lots where any of the lots in the proposed subdivision are less than 2.5 acres in size.
- (2) Trees shall be planted or preserved on each proposed lot of a subdivision outside of the right-of-way in a location selected by the Subdivider. The number of trees planted or preserved shall be equivalent to one (1) tree for every forty (40) feet of frontage for the proposed lot. Such trees shall be planted or preserved for any subdivision not identified in 856-43 B (1) a-e, excluding any parcels created using the Administrative Subdivision procedure.
- (C) The location and quantity of all planted or preserved trees shall be shown on the preliminary plat.

**Nonresidential Subdivisions**

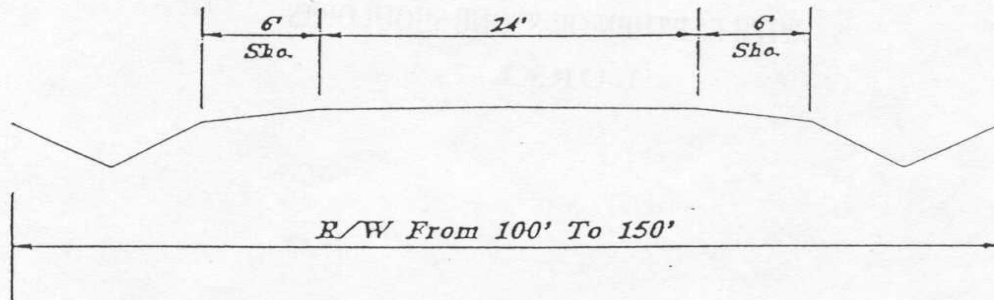
- (A) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall meet such special provisions as the Commission finds appropriate and requires. A nonresidential subdivision shall also be subject to all the requirements set forth in the Zoning Ordinance. A nonresidential subdivision shall be subject to all the requirements of these regulations as well as such additional standards required by the Commission and shall conform to the proposed land use and standards established in the Comprehensive Plan, Official Map, and Zoning Ordinance. All shopping centers and other nonresidential subdivisions or buildings for leasehold shall be subject to the relevant provisions of this ordinance.
- (B) In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the Applicant shall demonstrate to the satisfaction of the commission that the street, parcel, and block pattern proposed are appropriate for the uses anticipated and adequately take into account other uses in the vicinity. The following principles and standards shall be observed.
- (1) Proposed commercial or industrial parcels shall be suitable in minimum area and dimensions to the types of industrial development anticipated. Proposals for sectionalizing the subdivision must be made clear in a statement on the preliminary plat which is satisfactory to the Commission.
  - (2) Street rights-of-way and pavement construction shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
  - (3) Special requirements may be imposed by the Commission upon recommendation of the County with respect to street, curb, gutter, and sidewalk design and construction.
  - (4) Special requirements may be imposed by the Commission with respect to the installation of public utilities, including water, sewer, and storm water drainage and preprocessing of sewage. Special requirements may also be imposed regarding the storage and disposal of toxic materials.
  - (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing onto existing or potential residential development and provision of a permanently landscaped buffer strip where necessary.
  - (6) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

Appendix 856-1

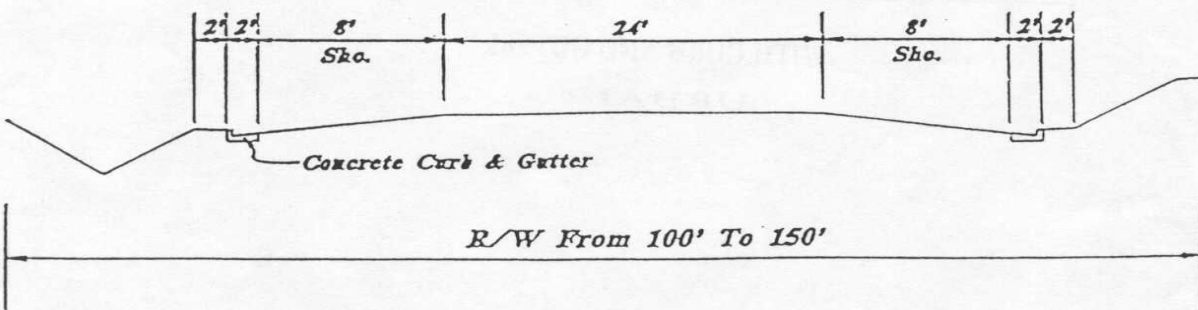
Street Cross-Section Drawings

CROSS-SECTIONS FOR  
MAJOR/MINOR COLLECTORS

3R PROJECTS  
(REHABILITATION, RESURFACING, RESTORATION)  
40-50 MPH DESIGN SPEED

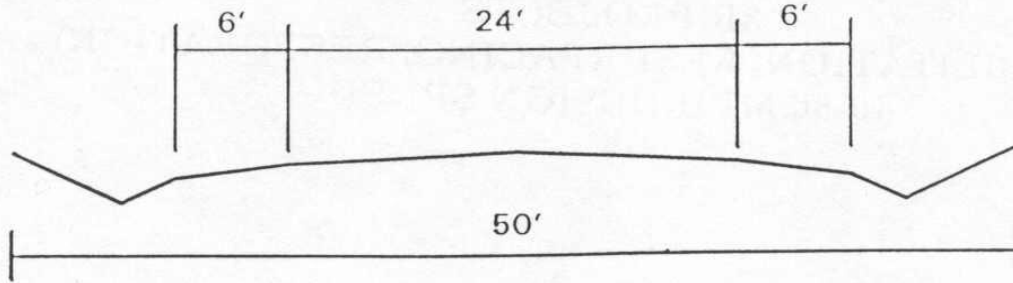


RURAL SECTION

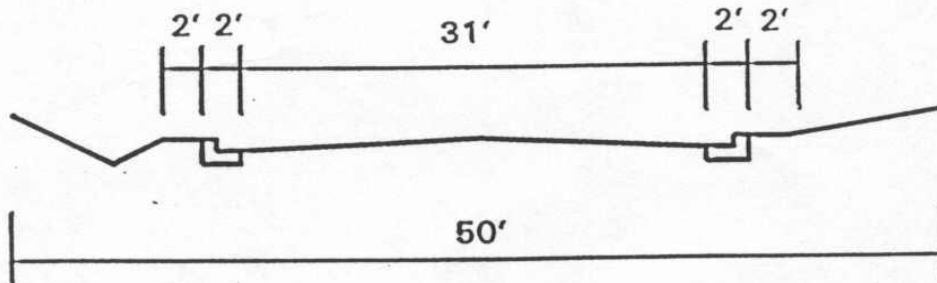


URBAN SECTION

# CROSS-SECTION FOR LOCAL STREETS



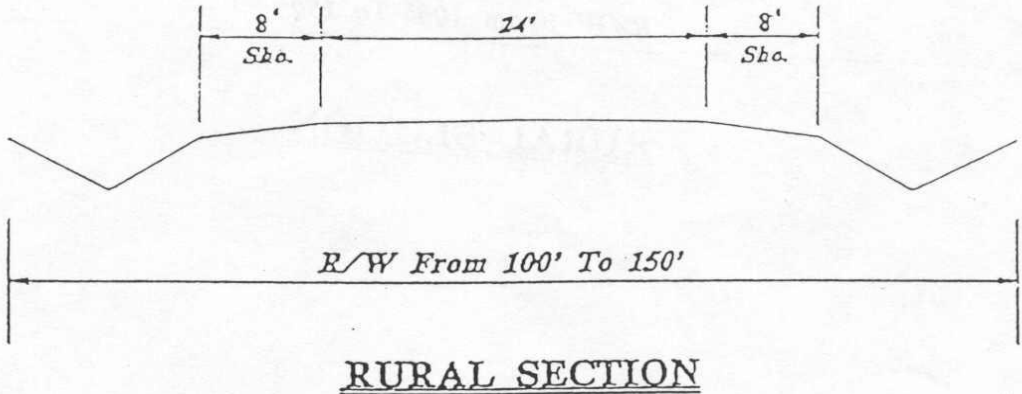
WITH EARTHEN OR STONE SHOULDERS  
RURAL



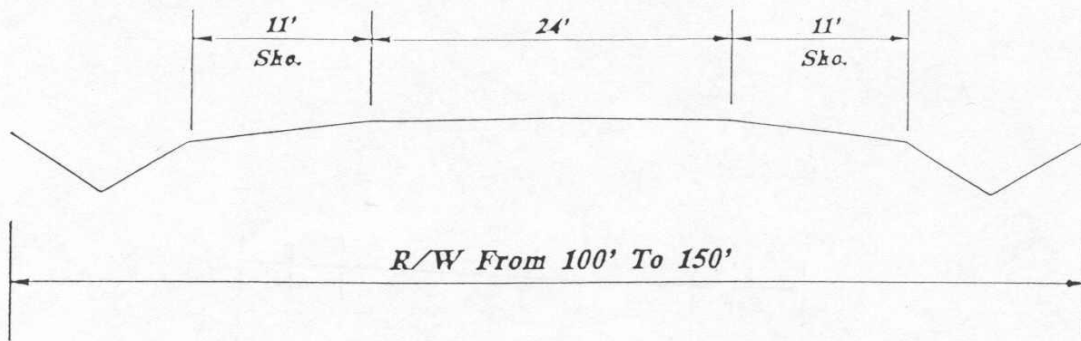
WITH CURB AND GUTTER  
URBAN

CROSS-SECTIONS FOR  
MAJOR/MINOR COLLECTORS

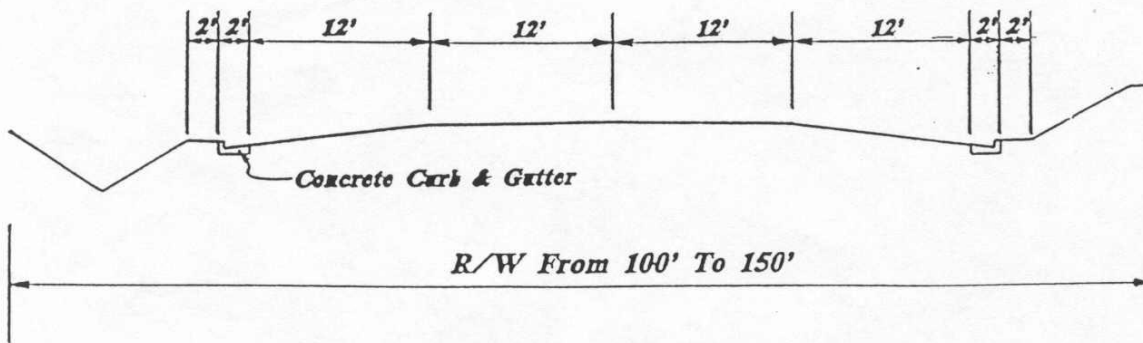
CONSTRUCTION ON NEW ALIGNMENT  
50-55 MPH DESIGN SPEED



*Cross-Sections for  
Minor Arterial*



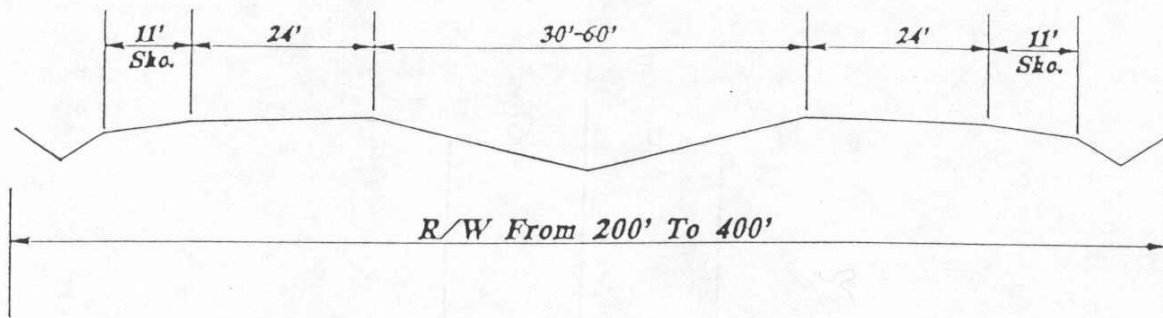
RURAL SECTION



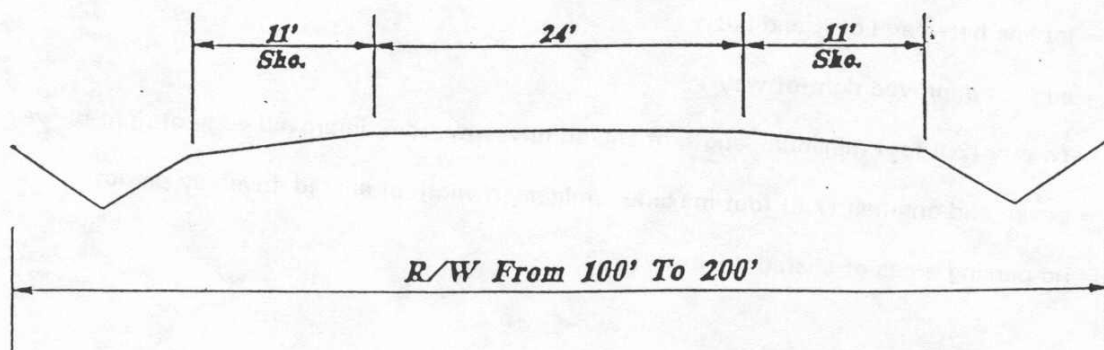
URBAN SECTION

## Cross-Sections for Principal Arterials

### 1. 4 - Lane Section

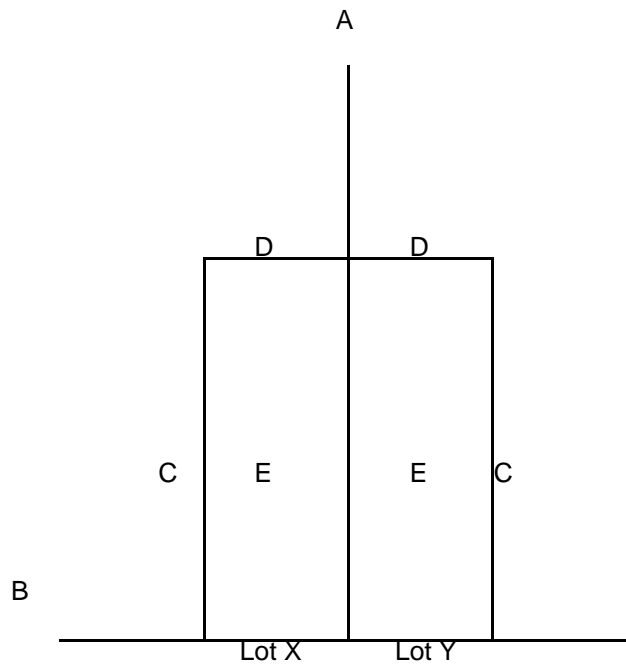


### 2. 2 - Lane Section



**Appendix 856-2**

**Shared Driveway Drawing**



**Legend:**

A = lot line between Lot X and Lot Y

B = edge of improved right-of-way

C = twenty (20) foot minimum length of shared driveway from improved edge of right-of-way

D = seven and one-half (7.5) foot maximum/minimum width of shared driveway per lot

E = no-parking areas of shared driveway

**[end of chapter]**