

# Chapter 07

## Subdivision, Development Plan and PUD Design Standards

---

Porter County  
Unified Development  
Ordinance

# Design Standards

<b>Section Name</b>	<b>Page Number</b>	<b>Section Name</b>	<b>Page Number</b>
How to Use This Chapter .....	7-3	Mixed-use Development Standards (MU) .....	7-31
Purpose of Design Standards .....	7-3	Monument and Marker Standards (MM) .....	7-32
Icon Key .....	7-3	Open Space Standards (OP) .....	7-33
Prerequisite Standards (PQ) .....	7-4	Pedestrian Network Standards (PN) .....	7-43
Access Road Standards (AC) .....	7-5	Perimeter Landscaping Standards (PL) .....	7-46
Alley Standards (AL) .....	7-7	Storm Water Standards (SM) .....	7-48
Covenant Standards (CE) .....	7-9	Street and Right-of-way Standards (SR) .....	7-55
Dedication of Public Improvements (DD) .....	7-11	Street Lighting Standards (SL) .....	7-60
Development Name Standards (DN) .....	7-12	Street Name Standards (SN) .....	7-61
Easement Standards (EA) .....	7-13	Street Sign Standards (SS) .....	7-62
Entryway Feature Standards (EF) .....	7-22	Surety Standards (SY) .....	7-63
Erosion Control Standards (EC) .....	7-23	Utility Standards (UT) .....	7-64
Lot Establishment Standards (LT) .....	7-29		

# Icon Key

## 7.01 Using this Chapter

*Chapter 07* contains design standards that are arranged by category. There are two ways to determine which design standards apply to a specific type of petition. They are:

- A. Refer to the two-page layouts in *Chapter 06: Subdivision Regulations* for a specific subdivision type. In the "Additional Design Standards that Apply" box for that specific subdivision type are listed four-digit codes that determine which design standards apply. Only the four-digit codes noted in the "Additional Design Standards that Apply" section apply to that subdivision type.

*[As an example, on page 6-3, the four-digit code "AC-01" can be found under the "Additional Design Standards that Apply" section in the Conventional Subdivision (CV) type. Therefore, the design standards in the section labeled "AC-01" (on page 7-4) would apply to the Conventional Subdivision (CV) type.]*

- B. Refer to the project icons used at the top of each design standard section in *Chapter 07: Subdivision, Development Plan and PUD Design Standards*. Each design standard section begins with a four-digit code and introductory sentence followed by square icons with project type abbreviations (e.g.  for a Conventional Subdivision or  for a Planned Unit Development). These project icons note that the design standard written in that section applies to that type of petition.

*[As an example, on page 7-4, the DP icon () can be found under the §AC-01 design standard section. Therefore the language in the AC-01 section would apply to a Development Plan petition.]*

## 7.02 Purpose of Design Standards

The purpose of *Chapter 07* is to establish and define the design standards that shall be required by the County prior to the approval of any subdivision or Development Plan. Additionally, these design standards shall apply to Planned Unit Developments unless through the PUD District Ordinance a design standard is waived or altered.

See *Chapter 07; §PQ: Prerequisite Standards* for information regarding development prerequisites for subdivisions and Planned Unit Developments.

In addition to the requirements of *Chapter 07: Subdivision, Development Plan and PUD Design Standards*, there are zoning district-specific standards in *Chapter 05: Zoning District Development Standards* that must be met in each subdivision, Development Plan and Planned Unit Development.

## 7.03 Icon Key



- Conventional Subdivision



- Cluster Subdivision



- Conservation Subdivision



- Traditional Subdivision



- Strip Commercial Subdivision



- Commercial District Subdivision



- Industrial Park Subdivision



- Development Plan



- Planned Unit Development

# Prerequisite Standards (PQ)

## 7.04 PQ-01: Prerequisite Standards; General

This Prerequisite Standards section applies to the following types of development:



- A. **General:** All developments shall meet the prerequisites as indicated on the two-page layouts for each type of subdivision in *Chapter 06: Subdivision Regulations*; or as indicated in *Chapter 04: Planned Unit Developments* for Planned Unit Developments.
- B. **Types of Prerequisites:** To qualify for a type of subdivision or for a Planned Unit Development, the following prerequisites apply:
  1. **Prerequisite Base Zoning:** The prerequisite base zoning shall be as indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*; or as indicated in *Chapter 04: Planned Unit Developments* for Planned Unit Developments. If a parent tract has multiple zoning districts, each of those zoning districts must be on the prerequisite listing.
  2. **Minimum Parent Tract:** The minimum parent tract area shall be as indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*; or as indicated in *Chapter 04: Planned Unit Developments* for Planned Unit Developments.
- C. **Unlisted Types of Prerequisites:** If any the above listed prerequisite standards do not appear for a particular type of subdivision (in *Chapter 06: Subdivision Regulations*) or for a Planned Unit Development (in *Chapter 04: Planned Unit Developments*), then it does not apply to that particular subdivision type or Planned Unit Development.

# Access Road Standards (AC)

## 7.05 AC-01: Access Road Standards; Residential Frontage Roads

This Access Road Standards section applies to the following types of development:



- A. **General:** An internal access, which may be a frontage road, alley, or other road, shall be required for any single-family detached dwelling that fronts a secondary or primary arterial street unless it is the only property within four hundred (400) feet that has primary access from the same secondary or primary arterial. Frontage roads shall meet the standards below. Other access roads shall meet the standards set forth in their respective section.
- B. **Ingress/Egress:**
  1. *Maximum Ingress/Egress:* Frontage roads shall have a maximum of one (1) ingress/egress if it serves five (5) or less properties or is less than three hundred (300) feet in length. All other frontage roads shall have a maximum of two (2) points of ingress/egress onto a public street.
  2. *Separation of Ingress/Egress per Public Street:*
    - a. A maximum of one (1) ingress/egress point shall be permitted per primary arterial.
    - b. A maximum of two (2) ingress/egress points shall be permitted per secondary arterial, and shall be separated by a minimum of:
      - i. One hundred fifty (150) feet from any intersection;
      - ii. One hundred fifty (150) feet from any ingress/egress on the same side of the street; and
      - iii. One hundred fifty (150) feet from any offset ingress/egress on the opposite side of the street.
      - iv. Ingress/egress points aligned across the street do not require separation.
- C. **Traffic Lanes:** Frontage roads shall be designed to accommodate two-way traffic.
- D. **Location:** Frontage roads shall be designed to generally run parallel to the secondary or primary arterial.
- E. **Minimum Right-of-way or Easement Width:** Forty (40) feet.
- F. **Minimum Roadway Width:**
  1. *Two-way, No Parking:* Twenty-four-foot (24') pavement width with four-foot (4') shoulders.
  2. *Two-way, Parking on One Side:* Twenty-eight (28) feet back of curb to back of curb.
- G. **Sidewalks:** The Plan Commission may require that the developer install sidewalks on each side of a frontage road that has home sites which derive their primary access from the frontage road.
- H. **Separation:** Frontage roads shall be separated (edge of pavement to edge of pavement) by a minimum of thirty (30) feet from secondary arterials and forty (40) feet from primary arterials.

# Access Road Standards (AC)

## 7.06 AC-02: Access Road Standards; Commercial and Industrial

This Access Roads Standards section applies to the following types of development:



- A. **General:** Internal access roads shall be provided in any commercial development with multiple tenants or multiple primary structures, and located along a secondary or primary arterial.
- B. **Ingress/Egress:**
  - 1. *Maximum Ingress/Egress:* Developments of fifteen (15) acres or less shall have a maximum of two (2) ingress/egress points onto a public street. Developments with more than fifteen (15) acres shall have a maximum of three (3) ingress/egress points onto a public street.
  - 2. *Separation of Ingress/Egress per Public Street:*
    - a. A maximum of one (1) ingress/egress point shall be permitted per primary arterial.
    - b. A maximum of two (2) ingress/egress points shall be permitted per secondary arterial, and shall be separated by a minimum of:
      - i. Two hundred (200) feet from any intersection;
      - ii. Two hundred (200) feet from any ingress/egress on the same side of the street; and
      - iii. Two hundred (200) feet from any offset ingress/egress on the opposite side of the street.
      - iv. Ingress/egress points aligned across the street do not require separation.
- C. **Traffic Lanes:** Access roads shall be designed to accommodate two-way traffic.
- D. **Location/Separation:** Access roads shall be designed to generally run perpendicular to a secondary or primary arterial; or parallel to a secondary or primary arterial if separated by at least one hundred fifty (150) feet (*e.g.* behind outlots). Frontage roads are not permitted.
- E. **Minimum Right-of-way or Easement Width:** Access roads shall have a minimum right-of-way or permanent easement as per the Thoroughfare Plan.
- F. **Minimum Pavement Width:** Per the Thoroughfare Plan.
- G. **Parking:** Parking shall not be permitted on access roads within commercial or industrial developments.
- H. **Sidewalks:** Access roads shall have sidewalks on one side of the street and be integrated into the overall pedestrian network on-site.
- I. **Private Roads:** Access roads may be private roads.

# Alley Standards (AL)

## 7.07 AL-01: Alley Standards; Modern Residential Subdivision Design

This Alley Standards section applies to the following types of development:



- A. **General:** Alleys within residential neighborhoods with a modern design (*i.e.* conventional subdivisions) shall require the approval of a Design Waiver by the Plan Commission.
- B. **Use of Alleys:** The maximum permitted number of lots with alley access shall not exceed the percentage shown on the two-page layouts in *Chapter 06: Subdivision Regulations*. Alleys shall not be designed for primary public access, only private use. Residential alleys are not permitted to access commercial land uses within the development.
- C. **Minimum Easement Width:** Alleys shall be located in easements a minimum of sixteen and one-half (16.5) feet in width.
- D. **Minimum Pavement Width:** Twelve (12) feet.
- E. **Curb:**
  1. **Requirement:** Alleys are not required to have a curb outside a street right-of-way.
  2. **Minimum Curb Radius:** The minimum curb radius at any alley intersection with a public street for which a curb is required shall be six (6) feet.
- F. **Intersections:** Alley intersections with public streets shall not exceed twenty degrees (20°) from perpendicular to said streets.
- G. **Construction:** All alleys are to be constructed per the *General and Detailed Specifications*.

## 7.08 AL-02: Alley Standards; Cluster, Conservation and Traditional Subdivision

This Alley Standards section applies to the following types of development:



- A. **General:**
  1. **Traditional Subdivision:** Alleys are considered an essential part of a traditional neighborhood design; therefore, they shall be integrated into the overall design of a traditional residential subdivision.
  2. **Cluster Subdivision:** In order to better accommodate the higher intensity of cluster subdivision development, alleys may be integrated into the design.
- B. **Use of Alleys:**
  1. **Traditional Subdivision:**
    - a. **Single-family Residential:** Alleys are required in traditional residential subdivisions to provide access to at least seventy-five percent (75%) of all single-family dwelling sites to access rear-loading garages.
    - b. **Multifamily Residential and Commercial:** Alleys are required to provide additional access to at least fifty percent (50%) of multiple-family and commercial land uses within the development.
- C. **Minimum Right-of-way Width:** Alleys shall be located in rights-of-way a minimum of sixteen and one-half (16.5) feet in width.
- D. **Minimum Pavement Width:** Twelve (12) feet.
- E. **Curb:**
  1. **Requirement:** Alleys are not required to have a curb outside a street right-of-way.
  2. **Minimum Curb Radius:** The minimum curb radius at any alley intersection with a public street for which a curb is required shall be eight (8) feet.
- F. **Intersections:** Alley intersections with public streets shall not exceed twenty degrees (20°) from perpendicular to said streets.
- G. **Construction:** All alleys are to be constructed per the *General and Detailed Specifications*.

# Alley Standards (AL)

7.09 AL-03: Alley Standards; Commercial and Industrial Development

This Alley Standards section applies to the following types of development:



- A. General: Commercial and industrial subdivision alleys shall be required for loading where there is no direct access to a public right-of-way at the rear of the structures.



# Covenant Standards (CE)

## 7.10 CE-01: Covenant Standards; General

This Covenant Standards section applies to the following types of development:



- A. **Enforcement Disclaimer:** Declaration of Covenants documents are private contracts among the property (lot or unit) owners within the development, and are therefore not subject to enforcement by the County.
- B. **General:**
  1. *Requirement:* A development with common areas, amenities, or other facilities that are to be privately maintained by an owners association shall have a legally binding Declaration of Covenants that is applicable to each owner of property within the development and provides for the maintenance and management of such common area, amenity, or facility.
  2. *Foundation and Control:* When an owners association is used for the purposes of maintaining/controlling facilities within the development, the Declaration of Covenants shall state:
    - a. When the owners association has to be constituted; and
    - b. When the management and control of the owners association has to be turned over to the persons buying the lots or units. Control of the owners association shall be turned over before two-thirds (2/3) of the lots or units are sold.
    - c. When ownership of the common areas, amenities, and other facilities shall be turned over to the owners association. Common areas, amenities, and other facilities shall not be turned over to the owners association before two-thirds (2/3) of the lots or units are sold.
  3. *Assessments:* Whenever a Declaration of Covenants calls for the collection of an annual assessment from the members of the owners association, the Declaration shall specify:
    - a. When the assessment begins;
    - b. Which common areas, amenities, and other facilities are to be maintained using the assessment funds; and
    - c. When and how the owners association Board of Directors is constituted.
  4. *Contractual Obligation:* Prior to turning control of the owners association over to the lot or unit owners, the developer shall not enter into any contractual relationship on behalf of the owners association that exceeds a period of two (2) years. Once the owners association is under the lot or unit owners' control, the renewal of such a contract shall be at the discretion of the owners association Board of Directors.
- C. **Recording:** The Declaration of Covenants shall be recorded in the County Recorder's office following approval of the development. A cross-reference to the recorded Declaration of Covenants instrument shall be recorded on the deed for every lot, parcel, condominium unit or other applicable division of ownership within the development.
- D. **Required Language:** The following covenant language is required:
  1. *Water Service Standards:* Should private wells be allowed, the covenants shall reflect that private wells are to be installed and that the County is not now or in the future obligated to provide, furnish or have any liability for fire protection that could have been provided by the public water supply.
  2. *Covenant Language on the Plat Standards:* When trees and/or shrubs are provided by the petitioner, the Declaration of Covenants shall include the following statements:
    - a. The owner or person in control of the dominant real estate adjacent to the area between the street and the sidewalk and/or right-of-way line on which any tree or shrub is planted pursuant to the requirements of the Unified Development Ordinance shall be responsible for the maintenance, removal, and/or replacement of the tree or shrub, as necessary.
    - b. If after notice from the County, the owner or person in control fails to maintain, remove, and/or replace a dead tree or shrub or any dead or dangerous limbs or branches thereon, the County may remove said tree, shrub or limbs and collect the costs thereof from the owner or person in control pursuant to *Chapter 11: Enforcement and Penalties*.

## Covenant Standards (CE)

---

- c. The County retains ownership of the area within the right-of-way and retains the right to reasonably remove any tree or shrub impeding necessary work to be performed by the County and/or all public utilities, or other properly authorized users.
- d. Neither the County nor any public utility or other properly authorized user of the County's property located between the street and the sidewalk and/or right-of-way line shall be liable to the owner of the dominant real estate for any damages done to trees or shrubs located upon County property between the street and the sidewalk and/or right-of-way line as a result of actions of the County or any public utility or other authorized user or their agents or employees in the performance of their duties.

# Dedication of Public Improvements Standards (DD)

## 7.11 DD-01: Dedication of Public Improvement Standards; General

This Dedication of Public Improvement Standards section applies to the following types of development:



- A. General: Any development that includes improvements that are intended to be dedicated to the County shall meet the standards within this section.
- B. Dedicated Streets:
  1. All streets accepted for dedication shall be in accordance with *Chapter 07: Subdivision, Development Plan and PUD Design Standards* and shall have rights-of-way per the Thoroughfare Plan.
  2. On-street parking areas, when established as per the Thoroughfare Plan and fully within the established rights-of-way shall be considered part of a dedicated street. However, alleys, blisters, eyebrows, bubbles or lots shall not be located within the dedicated street right-of-way, but may be connected to the street with approved drives, ingress and egress controls.
  3. All other non-dedicated streets, alleys, drives, and traffic areas on-site shall be and remain a part of the subdivision and hence maintained by the owners or occupants of said subdivision.
- C. Dedicated Utilities:
  1. *Water*: Placeholder for the dedication of water standards.
  2. *Sanitary Sewer*: Placeholder for the dedication of sanitary sewer standards.
  3. *Storm Sewer*: Placeholder for the dedication of storm sewer standards.
  4. *Drainage Facility*: Placeholder for the dedication of drainage facility standards.

## Development Name Standards (DN)

### 7.12 DN-01: Development Name Standards; General

This Development Name Standards section applies to the following types of development:



- A. Proposed Development Name: The petitioner shall propose a unique name for the development and submit that name at the time of initial application.
- B. Criteria: Within the jurisdiction of the Unified Development Ordinance, the following standards shall apply:
  1. The proposed root name of the development shall not duplicate, or closely approximate phonetically, the name of any other development.
  2. Deviations in suffix names (*e.g.* Place, Woods, or Glen) shall not constitute a unique name. For example, if 'Preston Place' existed as a development, the name 'Preston Woods' shall not be permissible.
  3. Unique districts within a large development shall be authorized to use the same root name if deemed not to be confusing or unsafe by the Executive Director.
- C. Authority to Rename:
  1. *Similarity*: The Executive Director shall have authority to require a new unique name for the development if the proposed name is found to be too similar to another development.
  2. *Suitability*: The Executive Director shall have authority to require a new unique name for the development if the proposed name is found to be explicit, derogatory, or defamatory.
  3. *Executive Director*: If a new and unique development name is not proposed by the petitioner, the Executive Director shall have the right to rename the development prior to final approval.

# Easement Standards (EA)

## 7.13 EA-01: Easement Standards; General

This Easement Standards section applies to the following types of development:



### A. Other Easements:

1. *Easement Instrument Specifications:* Where required by the Unified Development Ordinance, each property owner of record (“grantor”) shall execute the easement instrument in favor of the appropriate authority (“grantee”). Said instrument shall:
  - a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the easement is associated;
  - b. Specify those activities that the grantee is authorized to perform in the easement;
  - c. Specify those activities that the grantor is prohibited from performing in the easement;
  - d. Be binding on all heirs, successors, and assigns to the property on which the easement is located;
  - e. Specify that the County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Unified Development Ordinance, or successor ordinance;
  - f. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
  - g. Provide for modification or termination of the easement in the manner stipulated in the Unified Development Ordinance;
  - h. Cross-reference the most recently recorded deed to the property on which the easement is to be established;
  - i. Include a metes and bounds description of the easement;
  - j. Be signed by a duly authorized representative of the property owner of record granting the easement and by a duly authorized representative of the grantee accepting the easement.
2. *Easement Certificate:*
  - a. When a plan (*e.g.* Secondary Plat, Development Plan, *etc.*) is being recorded, the petitioner may forego a separate easement instrument in favor of printing an easement certificate, the content of which has been approved by the Plan Commission Attorney, on the plan.
  - b. Declaration of Covenants: If the Declaration of Covenants is included on the plan (*e.g.* Secondary Plat, Development Plan, *etc.*), the easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

### B. Conservation Easement:

1. *Conservation Easement Holder:* The following persons are eligible to hold a conservation easement:
  - a. A governmental body that is empowered to hold an interest in real property under the laws of Indiana or the United States; or
  - b. A charitable corporation, charitable association, or charitable trust, the purposes or powers of which include:
    - i. Retaining or protecting the natural, scenic, or open space values of real property;
    - ii. Assuring the availability of real property for agricultural, forest, recreational, or open space use;
    - iii. Protecting natural resources;
    - iv. Maintaining or enhancing air or water quality; or
    - v. Preserving the historical, architectural, archeological, or cultural aspects of real property.
2. *Conservation Easement Instrument Specifications:* Where required by the Unified Development Ordinance, each property owner of record (“grantor”) shall execute a conservation easement instrument in favor of the easement holder (“grantee”). Said instrument shall, at a minimum:
  - a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the easement is associated;
  - b. Grant the grantee the right to enter the easement for purposes of [\_\_\_\_\_] the easement;
  - c. Grant the County, or any successor unit of government, the right to enter a private conservation easement in order to make temporary or emergency repairs;
  - d. Prohibit any person from [\_\_\_\_\_] within the easement;
  - e. Bind all heirs, successors, and assigns to the property on which the easement is located;

## Easement Standards (EA)

- f. Specify that the County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Unified Development Ordinance, or successor ordinance;
- g. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
- h. Provide for modification or termination of the easement in the manner stipulated in the Unified Development Ordinance, or successor ordinance;
- i. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established;
- j. Include a metes and bounds description of the easement;
- k. Be signed by an authorized representative of the property owner of record granting the easement and an authorized representative of the grantee accepting the easement.

### 3. *Conservation Easement Certificate:*

- a. When a plan (*e.g.* Secondary Plat, Development Plan, *etc.*) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following conservation easement certificate on the plan:

“There are shown on this instrument areas that are designated as ‘Conservation Easement’ or abbreviated as ‘C.E.’ Such easements are hereby established in favor of the County, or any successor unit of government, and the conservation easement holder (‘grantee’), and grant the grantee the right to enter the easement for purposes of [\_\_\_\_\_]. These easements grant the County, or any successor unit of government, the right to [\_\_\_\_\_]. These easements also grant the County, or any successor unit of government, the right to [\_\_\_\_\_]. These easements prohibit any person from [\_\_\_\_\_]. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Porter County Unified Development Ordinance, or its successor ordinance. The grantee, the property owner, and/or the property owners association, are also entitled to enforce the provisions of these easements. These easements shall only be modified or vacated in the manner stipulated in the Porter County Unified Development Ordinance, or its successor ordinance.”

The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.

- b. Declaration of Covenants: If the Declaration of Covenants is included on the plan (*e.g.* Secondary Plat, Development Plan, *etc.*), the conservation easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.
- C. Drainage Easement: If any stream or other natural water body, or an existing or proposed storm water management facility is located in the area to be developed, a drainage easement shall be established along all sides according to the County Surveyor if it is a regulated drain or at least twenty (20) feet per side (measured from top of bank) if not a regulated drain (see also *Chapter 07; §SM: Storm Water Standards*).
1. *Drainage Easement Instrument Specifications*: Where required by the Unified Development Ordinance, each property owner of record (“grantor”) shall execute a drainage easement instrument in favor of either the County for public storm water management systems, or in favor of the property owners association for private storm water management systems, (“grantee”). Said instrument shall, at a minimum:
    - a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the easement is associated;
    - b. Grant the grantee the right to enter the easement to alter, repair, maintain, or remove the improvements, subject to the storm water management practices and standards in effect at the time of such alteration, repair, maintenance, or removal;
    - c. Grant the County, or any successor unit of government, the right to enter a private drainage easement in order to make temporary or emergency repairs to the storm water management system;

## Easement Standards (EA)

- d. Grant the grantee and the County, or any successor unit of government, the right to remove any obstruction located within the easement;
  - e. Prohibit any person from obstructing the easement;
  - f. Bind all heirs, successors, and assigns to the property on which the easement is located;
  - g. Specify that the County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Unified Development Ordinance, or successor ordinance;
  - h. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
  - i. Provide for modification or termination of the easement in the manner stipulated in the Unified Development Ordinance, or successor ordinance;
  - j. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established;
  - k. Include a metes and bounds description of the easement;
  - l. Be signed by an authorized representative of the property owner of record granting the easement and an authorized representative of the grantee accepting the easement.
2. *Drainage Easement Certificate:*
- a. When a plan (*e.g.* Secondary Plat, Development Plan, *etc.*) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following drainage easement certificate on the plan:
 

“There are shown on this instrument areas that are designated as ‘Drainage Easement’ or abbreviated as ‘D.E.’ Such easements are hereby established in favor of [the County (for public storm water management systems); or the County and the property owners association (for private storm water management systems)] (‘grantee’), and grant the grantee the right to enter the easement to alter, repair, maintain, or remove the improvements, subject to the storm water management practices and standards in effect at the time of such alteration, repair, maintenance, or removal. These easements grant the County, or any successor unit of government, the right to enter a private drainage easement in order to make temporary or emergency repairs to the storm water management system. These easements also grant the grantee and the County, or any successor unit of government, the right to remove any obstruction located within said easements. These easements prohibit any person from obstructing such easements. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Porter County Unified Development Ordinance, or its successor ordinance. The grantee, the property owner, and/or the property owners association, are also entitled to enforce the provisions of these easements. These easements shall only be modified or vacated in the manner stipulated in the Porter County Unified Development Ordinance, or its successor ordinance.”

The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.
  - b. Declaration of Covenants: If the Declaration of Covenants is included on the plan (*e.g.* Secondary Plat, Development Plan, *etc.*), the easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

## Easement Standards (EA)

### D. Emergency Access Easement:

1. *Emergency Access Easement Instrument Specifications:* Where required by the Unified Development Ordinance, each property owner of record (“grantor”) shall execute an emergency access easement instrument in favor of any emergency services agency (“grantee”; *e.g.* fire department, sheriff’s department, ambulance service, *etc.*) through the County, as agent. Said instrument shall, at a minimum:
  - a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the emergency access easement is associated;
  - b. Grant the grantee the right to access the easement for purposes of maneuvering vehicles, staging equipment, accessing adjacent properties, and performing any other function necessary to ensure the health, safety, and general welfare of the public;
  - c. Grant the County, or any successor unit of government, the right to enter the easement to alter, repair, maintain, or remove the improvements;
  - d. Grant the grantee and the County, or any successor unit of government, the right to remove any obstruction located within the easement;
  - e. Prohibit any person from parking vehicles within or otherwise obstructing the easement;
  - f. Bind all heirs, successors, and assigns to the property on which the emergency access easement is located;
  - g. Specify that the County, or any successor unit of government, may enforce the provisions of the emergency access easement as if the easement were a standard of the Unified Development Ordinance, or successor ordinance;
  - h. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
  - i. Provide for modification or termination of the easement in the manner stipulated in the Unified Development Ordinance, or successor ordinance;
  - j. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established;
  - k. Include a metes and bounds description of the easement;
  - l. Be signed by an authorized representative of the property owner of record granting the easement and an authorized representative of the Board of County Commissioners accepting the easement.

2. *Emergency Access Easement Certificate:*

- a. When a plan (*e.g.* Secondary Plat, Development Plan, *etc.*) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following emergency access easement certificate on the plan:

“There are shown on this instrument areas that are designated as ‘Emergency Access Easement’ or abbreviated as ‘E.A.E.’ Such easements are hereby established in favor of any emergency services agency (“grantee”; *e.g.* fire department, sheriff’s department, ambulance service, *etc.*) through the County, as agent (‘grantee’), and grant the grantee the right to enter the easement for purposes of maneuvering vehicles, staging equipment, accessing adjacent properties, and performing any other function necessary to ensure the health, safety, and general welfare of the public. These easements grant the County, or any successor unit of government, the right to enter the easement to alter, repair, maintain, or remove the improvements. These easements also grant the County, or any successor unit of government, the right to remove any obstruction located within the easement. These easements prohibit any person from parking vehicles within or otherwise obstructing the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Porter County Unified Development Ordinance, or its successor ordinance. The grantee, the property owner, and/or the property owners association, are also entitled to enforce the provisions of these easements. These easements shall only be modified or vacated in the manner stipulated in the Porter County Unified Development Ordinance, or its successor ordinance.”

## Easement Standards (EA)

The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.

- b. Declaration of Covenants: If the Declaration of Covenants is included on the plan (*e.g.* Secondary Plat, Development Plan, *etc.*), the emergency access easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.
- E. Open Space Easement:
1. *Open Space Easement Holder*: The following persons are eligible to hold an open space easement:
    - a. A governmental body that is empowered to hold an interest in real property under the laws of Indiana or the United States; or
    - b. A charitable corporation, charitable association, or charitable trust, the purposes or powers of which include:
      - i. Retaining or protecting the natural, scenic, or open space values of real property;
      - ii. Assuring the availability of real property for agricultural, forest, recreational, or open space use;
      - iii. Protecting natural resources;
      - iv. Maintaining or enhancing air or water quality; or
      - v. Preserving the historical, architectural, archeological, or cultural aspects of real property.
  2. *Open Space Easement Instrument Specifications*: Where required by the Unified Development Ordinance, each property owner of record (“grantor”) shall execute an open space easement instrument in favor of the open space easement holder (“grantee”). Said instrument shall, at a minimum:
    - a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the easement is associated;
    - b. Grant the grantee the right to enter the easement for purposes of [\_\_\_\_\_];
    - c. Grant the County, or any successor unit of government, the right to [\_\_\_\_\_];
    - d. Prohibit any person from [\_\_\_\_\_] within the easement;
    - e. Prohibit the property owner or any other person from [\_\_\_\_\_] within the easement;
    - f. Bind all heirs, successors, and assigns to the property on which the easement is located;
    - g. Specify that the County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Unified Development Ordinance, or successor ordinance;
    - h. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
    - i. Provide for modification or termination of the easement in the manner stipulated in the Unified Development Ordinance, or successor ordinance;
    - j. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established;
    - k. Include a metes and bounds description of the easement;
    - l. Be signed by an authorized representative of the property owner of record granting the easement and an authorized representative of the grantee accepting the easement.

## Easement Standards (EA)

### 3. *Open Space Easement Certificate:*

- a. When a plan (*e.g.* Secondary Plat, Development Plan, *etc.*) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following easement certificate on the plan:

“There are shown on this instrument areas that are designated as ‘Open Space Easement’ or abbreviated as ‘O.S.E.’ Such easements are hereby established in favor of the County, or any successor unit of government, and the open space easement holder (‘grantee’), and grant the grantee the right to enter the easement for purposes of [\_\_\_\_]. These easements grant the County, or any successor unit of government, the right to [\_\_\_\_]. These easements also grant the County, or any successor unit of government, the right to [\_\_\_\_]. These easements prohibit any person from [\_\_\_\_]. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Porter County Unified Development Ordinance, or its successor ordinance. The grantee, the property owner, and/or the property owners association, are also entitled to enforce the provisions of these easements. These easements shall only be modified or vacated in the manner stipulated in the Porter County Unified Development Ordinance, or its successor ordinance.”

The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.

- b. Declaration of Covenants: If the Declaration of Covenants is included on the plan (*e.g.* Secondary Plat, Development Plan, *etc.*), the open space easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

### F. Pedestrian Access Easement:

1. *Pedestrian Access Easement Instrument Specifications:* Where required by the Unified Development Ordinance, each property owner of record (“grantor”) shall execute the pedestrian access easement instrument in favor of the general public (“grantee”) through the County, as agent. Said instrument shall, at a minimum:
  - a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the easement is associated;
  - b. Grant the general public the right to access the easement for purposes of walking, running, bicycling, skating, or utilizing certain other classes of non-motorized vehicles;
  - c. Grant the County, or any successor unit of government, the right to alter, repair, maintain, or remove the improvements;
  - d. Grant the grantee and the County, or any successor unit of government, the right to remove any obstruction located within the easement;
  - e. Prohibit any person from obstructing the easement;
  - f. Bind all heirs, successors, and assigns to the property on which the pedestrian access easement is located;
  - g. Specify that the County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Unified Development Ordinance, or successor ordinance;
  - h. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
  - i. Provide for modification or termination of the easement in the manner stipulated in the Unified Development Ordinance, or successor ordinance;
  - j. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established;
  - k. Include a metes and bounds description of the easement;
  - l. Be signed by an authorized representative of the property owner of record granting the easement and by an authorized representative of the Board of County Commissioners accepting the easement.

## Easement Standards (EA)

### 2. *Pedestrian Access Easement Certificate:*

- a. When a plan (*e.g.* Secondary Plat, Development Plan, *etc.*) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following pedestrian access easement certificate on the plan:

“There are shown on this instrument areas that are designated as ‘Pedestrian Access Easement’ or abbreviated as ‘P.A.E.’ Such easements are hereby established in favor of the County, or any successor unit of government, and the general public (‘grantee’), and grant the grantee the right to access the easement for purposes of walking, running, bicycling, skating, or utilizing certain other classes of non-motorized vehicles. These easements grant the County, or any successor unit of government, the right to alter, repair, maintain, or remove the improvements. These easements also grant the County, or any successor unit of government, the right to remove any obstruction located within said easements. These easements prohibit any person from obstructing such easements. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Porter County Unified Development Ordinance, or its successor ordinance. The grantee, the property owner, and/or the property owners association, are also entitled to enforce the provisions of these easements. These easements shall only be modified or vacated in the manner stipulated in the Porter County Unified Development Ordinance, or its successor ordinance.”

The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.

- b. Declaration of Covenants: If the Declaration of Covenants is included on the plan (*e.g.* Secondary Plat, Development Plan, *etc.*), the pedestrian access easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.
- G. Utility Easement: All proposed projects submitted for Plan Commission or Board of Zoning Appeals approval shall allocate areas of suitable size and location, wherever necessary, for utility easements. Such easements shall be at least twenty (20) feet wide. All easements and corresponding utility location plans shall be complete and approved prior to the approval of the development
1. *Utility Easement Instrument Specifications*: Where required by the Unified Development Ordinance, each property owner of record (“grantor”) shall execute the utility easement instrument in favor of any public or municipally-owned utility (“grantee”) through the County, as agent. Said instrument shall, at a minimum:
    - a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the easement is associated;
    - b. Grant the grantee the right to access the easement for purposes of altering, repairing, maintaining, or removing the improvements;
    - c. Grant the grantee and the County, or any successor unit of government, the right to remove any obstruction located within the easement;
    - d. Prohibit any person from obstructing the easement;
    - e. Bind all heirs, successors, and assigns to the property on which the easement is located;
    - f. Specify that the County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Unified Development Ordinance, or successor ordinance;
    - g. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
    - h. Provide for modification or termination of the easement in the manner stipulated in the Unified Development Ordinance, or successor ordinance;
    - i. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established;
    - j. Include a metes and bounds description of the easement;
    - k. Be signed by an authorized representative of the property owner of record granting the easement and by an authorized representative of the Board of County Commissioners accepting the easement.

## Easement Standards (EA)

### 2. *Utility Easement Certificate:*

- a. When a plan (*e.g.* Secondary Plat, Development Plan, *etc.*) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following utility easement certificate on the plan:

“There are shown on this instrument areas that are designated as ‘Utility Easement’ or abbreviated as ‘U.E.’ Such easements are hereby established in favor of any public or municipally-owned utility (‘grantee’), and grant the grantee the right to access such easements for purposes of altering, repairing, maintaining, or removing their infrastructure improvements. These easements also grant the grantee and the County, or any successor unit of government, the right to remove any obstruction located within said easements. These easements prohibit any person from obstructing such easements. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Porter County Unified Development Ordinance, or its successor ordinance. The grantee, the property owner, and/or the property owners association, are also entitled to enforce the provisions of these easements. These easements shall only be modified or vacated in the manner stipulated in the Porter County Unified Development Ordinance, or its successor ordinance.”

The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.

- b. Declaration of Covenants: If the Declaration of Covenants is included on the plan (*e.g.* Secondary Plat, Development Plan, *etc.*), the public utility easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

### H. Temporary Turnaround Easement:

1. *Temporary Turnaround Easement Instrument Specifications:* Where required by the Unified Development Ordinance, each property owner of record (“grantor”) shall execute a temporary turnaround easement instrument in favor of the County, or any successor unit of government, and the general public (“grantee”) through the County, as agent. Said instrument shall, at a minimum:
  - a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the easement is associated;
  - b. Grant the general public the right to access the easement for purposes of maneuvering vehicles;
  - c. Grant the County, or any successor unit of government, the right to alter, repair, maintain, or remove the improvements;
  - d. Grant the County, or any successor unit of government, the right to remove any obstruction located within the easement;
  - e. Prohibit any person from parking vehicles within or otherwise obstructing the easement;
  - f. Bind all heirs, successors, and assigns to the property on which the easement is located;
  - g. Specify that the County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Unified Development Ordinance, or successor ordinance;
  - h. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
  - i. Provide for modification or termination of the easement in the manner stipulated in the Unified Development Ordinance, or successor ordinance;
  - j. Provide for automatic termination upon the dedication to and acceptance of the reciprocal stub street by the County, or any successor unit of government;
  - k. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established;
  - l. Include a metes and bounds description of the easement;
  - m. Be signed by an authorized representative of the property owner of record granting the easement and an authorized representative of the Board of County Commissioners accepting the easement.

## Easement Standards (EA)

### 2. *Temporary Turnaround Easement Certificate:*

- a. When a plan (*e.g.* Secondary Plat, Development Plan, *etc.*) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following temporary turnaround easement certificate on the plan:

“There are shown on this instrument areas that are designated as ‘Temporary Turnaround Easement’ or abbreviated as ‘T.T.E.’ Such easements are hereby established in favor of the County, or any successor unit of government, and the general public (‘grantee’), and grant the grantee the right to access the easement for purposes of maneuvering vehicles. These easements also grant the County, or any successor unit of government, the right to alter, repair, maintain, or remove the improvements located within said easements. These easements also grant the County, or any successor unit of government, the right to remove any obstruction located within said easements. These easements prohibit any person from parking vehicles within or otherwise obstructing such easements. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Porter County Unified Development Ordinance, or its successor ordinance. The grantee, the property owner, and/or the property owners association, are also entitled to enforce the provisions of these easements. These easements shall only be modified or vacated in the manner stipulated in the Porter County Unified Development Ordinance, or its successor ordinance.”

The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.

- b. Declaration of Covenants: If the Declaration of Covenants is included on the plan (*e.g.* Secondary Plat, Development Plan, *etc.*), the temporary turnaround easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

# Entryway Feature Standards (EF)

## 7.14 EF-01: Entryway Feature Standards; General

This Entryway Feature Standards section applies to the following types of development:



- A. **General:** Where entryway features are established, they shall be attractive, eye-catching, and constructed of durable materials. Entryway features shall be designed, installed and maintained to be safe and healthful environments. Entryway features shall not be located within the right-of-way.
- B. **Cross Reference:** Signs associated with entryway features in the **R4** and **MP** zoning districts are subject to additional standards pursuant to *Chapter 05; §SI-03(A)(2): Entry Feature Signs*.
- C. **Site Plan:** Where entryway features are proposed, a Site Plan shall be submitted for consideration and approval for entryway features in all subdivisions, condominium projects and Planned Unit Developments. This includes all signs that will be utilized on the site, including but not limited to project identification, project directory, individual occupancy (identification or advertisement).
- D. **Project Identification:** The number and size of signs shall depend on the number of entrances and scale of the roadway from which the entrance is located.
  1. One (1) large entryway feature is permitted per development. If the development has more than one hundred (100) dwelling units or the parent tract is greater than eighty (80) acres, and the development has primary entrances off of two (2) different arterial or collector streets, it shall be permitted to have two (2) large entryway features.
  2. One (1) small entryway feature is permitted for any secondary entrances. This entryway feature shall be significantly smaller in scale than the large entryway feature.
  3. The sign portion of the entryway feature shall be significantly subordinate to the landscaping and hardscape features installed.
  4. No single identification sign incorporated into a large entryway feature shall exceed forty (40) square feet.
  5. No single identification sign incorporated into a small entryway feature shall exceed twenty (20) square feet.

# Erosion Control Standards (EC)

## 7.15 EC-01: Erosion Control Standards; General

This Erosion Control Standards section applies to the following types of development:



### A. Purpose and Intent:

1. *Purpose:* The purpose of the Erosion Control Standards is to control or eliminate soil erosion and resulting sedimentation in the unincorporated area of the County within the jurisdictional area of the Plan Commission. The purpose of §EC: *Erosion Control Standards* is to be accomplished by requiring persons conducting land-disturbing activities, as defined herein, to provide an Erosion and Sediment Control Plan for controlling erosion, movement of sediment, and control of storm water run off. The purpose of §EC: *Erosion Control Standards* is to require an Erosion and Sediment Control Plan for both permanent measures to be in place at the conclusion of the project, as well as temporary measures during development and construction. Soil is most vulnerable to erosion by wind and water during the construction process. Eroded soil endangers water resources by reducing water quality, and causing silting of aquatic habitat. Soil erosion resulting from land-disturbing activities can cause a significant amount of sediment and other pollutants to be transported to storm sewers, ditches, watercourses, wetlands, lakes and reservoirs necessitating repairs or dredging activities.
2. *Intent:* The intent of §EC: *Erosion Control Standards* is to establish and require erosion control practices in order to minimize the amount of soil and sediment leaving sites where the vegetative cover has been disturbed. *Section EC: Erosion Control Standards* applies to land-disturbing activities, as defined herein, including but not limited to those land-disturbing activities associated with commercial, industrial, institutional, nonresidential and residential development.

### B. Applicability:

1. *Land-disturbing Activity:* *Section EC: Erosion Control Standards* shall apply to all land-disturbing activities within the unincorporated area of Porter County, Indiana.
2. *Exceptions:*
  - a. *Minor Projects:* *Section EC: Erosion Control Standards* shall not apply to minor projects where land-disturbing activities involve less than 10,000 square feet, excepting the following:
    - i. When such sites are immediately adjacent to:
      - [a] A storm sewer inlet; or
      - [b] A ditch or stream acting as a watercourse; or
      - [c] Wetlands.
    - ii Sites with a slope of six percent (6%) or greater.
  - b. *Section EC: Erosion Control Standards* shall not apply to existing nursery, mineral extraction, or agricultural operations conducted as a permitted primary or accessory use;
  - c. *Emergency Activity:* *Section EC: Erosion Control Standards* shall not apply to any emergency activity that is immediately necessary for the protection of life, property or natural resources.

### C. Erosion Control Permit Required: Before commencing any land-disturbing activity to which §EC: *Erosion Control Standards* applies, the developer of the site shall be required to file an application and obtain an Erosion Control Permit (see §10.15: *Erosion Control Permit*).

### D. Approval of Erosion and Sediment Control Plan Required:

1. *Subdivision:* An Erosion and Sediment Control Plan, as described herein, shall be submitted to the Plan Commission Office at the time of the submission of the Primary Plat application. The Erosion and Sediment Control Plan shall be reviewed by the Development Advisory Committee, which shall make recommendations to the Plan Commission regarding the proposed Erosion and Sediment Control Plan.
2. *Commercial or Industrial Project:* Commercial or industrial applications requiring an Improvement Location Permit and/or a Building Permit shall submit an Erosion and Sediment Control Plan with the Improvement Location Permit and/or Building Permit application and other required plans.
3. *Single- or Two-family Dwellings:* Construction of single- or two-family dwellings shall submit an Erosion and Sediment Control Sketch Plan, as described herein, as part of the application for a Building Permit.

## Erosion Control Standards (EC)

- E. Requirements of Erosion and Sediment Control Plan: Except as set forth in §3: *Single- and Two-family Dwelling Sites* below, the Erosion and Sediment Control Plan shall be prepared by an Indiana Licensed Professional Land Surveyor, Engineer, Architect or Landscape Architect. The Erosion and Sediment Control Plan shall include the following as a minimum; however, the Plan Commission or Development Advisory Committee may request further information during the review and permitting procedures:
1. *Erosion and Sediment Control Plan Specifications*: The Erosion and Sediment Control Plan shall be drawn to a scale adequate to clearly show the site and the required information, but no less than 1" = 100', and shall include all existing and proposed:
    - a. Site boundaries, lots, *etc.*;
    - b. Size and location of all watercourses, ponds, lakes and wetlands;
    - c. Apparent floodplains, floodway fringes and floodways;
    - d. Soil types and their erodibility. The information provided in the *Soil Survey of Porter County, Indiana* as published by the United States Department of Agriculture, Natural Resources Conservation Service, is appropriate.
    - e. Description of existing vegetative cover such as crops, grasses, weeds, trees, *etc.*
    - f. Utilities, structures, road pavements and other improvements;
    - g. Existing contours at an interval not greater than two (2) feet;
    - h. A natural resources map identifying soils, forest cover, and any other environmental feature protected under other chapters within the Porter County Code;
    - i. A description of the sequence of construction activities for the site, including stripping, clearing, rough grading, construction of utilities, infrastructure, buildings, final grading and landscaping.
    - j. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, the sequence of clearing, installation of temporary erosion control measures and establishment of permanent vegetation.
    - k. Permanent Erosion and Sediment Control Plan: The Permanent Erosion and Sediment Control Plan shall document all erosion and sediment control measures necessary to provide for permanent erosion control expected to be in place at the conclusion of the project. The Permanent Erosion and Sediment Control Plan may be coordinated with other phases of the drainage and storm sewer plans as required by other sections of the Unified Development Ordinance and the Porter County Code. The Permanent Erosion and Sediment Control Plan shall also include:
      - i. Designation of general types and location of permanent plantings;
      - ii. Designation of non-vegetative materials expected to be used; and
      - iii. Provisions for maintenance of permanent control facilities, including easements and estimates of the cost of maintenance.
    - l. Temporary Erosion and Sediment Control Plan: The Temporary Erosion and Sediment Control Plan should include a description of techniques and methods to meet the objectives of §EC: *Erosion Control Standards* throughout all phases of construction. Depending upon the complexity of the project, or upon the schedule for completion, the Plan Commission may require an Intermediate Erosion and Sediment Control Plan for the close of the growing season. The Intermediate Erosion and Sediment Control Plan should include a detailed description of ground cover expected to be used, and may, as applicable, include:
      - i. Seeding mixtures and rates;
      - ii. Seed and/or plant materials to be used;
      - iii. Method of seedbed preparation;
      - iv. Expected seeding and/or planting dates;
      - v. Description of any non-vegetative ground cover to be used; and
      - vi. Provisions for the responsibility and final removal of any temporary measures when final vegetation and control structures are established.

## Erosion Control Standards (EC)

2. *Modifications*: Modifications to the Erosion and Sediment Control Plan shall conform to the following:
    - a. Major amendments to the Erosion and Sediment Control Plan shall be submitted to the Plan Commission for approval or denial in the same manner as the original Erosion and Sediment Control Plan submission.
    - b. The Executive Director may authorize field modifications of a minor nature upon written authorization to the Erosion Control Permit holder.
  3. *Single- and Two-family Dwelling Sites*: The Erosion and Sediment Control Plan for single- and two-family dwelling sites, or other regulated construction activities on small projects, shall be subject to the following requirements:
    - a. *Erosion and Sediment Control Sketch Plan*: An Erosion and Sediment Control Plan shall be made a part of the sketch provided with the application for an Improvement Location Permit. The applicant may prepare the Erosion and Sediment Control Sketch Plan. The Erosion and Sediment Control Sketch Plan shall include:
      - i. The direction of surface slopes (arrows);
      - ii. Any watercourses on the lot; and
      - iii. The location of silt fencing and/or other erosion control methods proposed.
    - b. *Minimum Requirements*: At a minimum, said sites shall provide silt fencing along the road frontage to protect roadside swales or curb and gutter flow lines. Silt fencing shall be placed along the perimeter of the disturbed areas of the site to protect adjoining parcels. Access to the site shall be on a stone pad at the location of the proposed drive. Erosion control measures shall be maintained by the Improvement Location Permit holder.
- F. General Erosion Control Practices to Be Included in Erosion and Sediment Control Plan: Grading, erosion control practices, sediment control practices and waterway crossings shall meet the design criteria set forth in the most recent version of *Indiana Stormwater Quality Manual* and *Erosion and Sediment Control for Individual Building Sites* by the Indiana Department of Natural Resources, and shall be adequate to prevent transportation of sediment from the site. The Plan Commission shall consider the following erosion control methods when reviewing an Erosion and Sediment Control Plan:
1. *Clearing and Grading*:
    - a. *Clearing and Grading of Natural Resources*: Clearing and grading of natural resources such as wooded lands, stream corridors, wetlands and other environmental features as defined within the Unified Development Ordinance shall not be permitted except when in compliance with all chapters of the Porter County Code.
    - b. *Clearing Techniques*: Clearing techniques that help retain natural vegetation and preserve natural drainage patterns as described in the Indiana Department of Natural Resources publications shall be employed.
    - c. *Initiation of Clearing*: Except as necessary to establish or construct the sediment control devices, clearing shall not begin until the temporary sediment control measures have been implemented.
    - d. *Cut and Fill*: Cut and fill slopes shall be no greater than three to one (3 horizontal units: 1 vertical unit), except as approved by the Plan Commission to meet other community or environmental objectives. To minimize the potential for soil erosion, development should fit the topography and soils of the site. Areas with steep slopes where dip cuts and fill would be required should be avoided. On steep slopes or in drainage ways, special techniques that meet the design criteria outlined in Indiana Department of Natural Resources publications shall be used to ensure stabilization.

## Erosion Control Standards (EC)

2. *Permanent Erosion Control Methods:*
  - a. **Drainage Ways:** Drainage ways should be designed so that their final gradients and resultant velocities will not cause erosion.
  - b. **Increased Runoff:** Provisions shall be made to accommodate any increased runoff caused by regrading activities.
  - c. **Disturbed Slopes:** Techniques that divert upland runoff past disturbed slopes should be employed.
  - d. **On-site Storm Water Conveyance Channels:** All on-site storm water conveyance channels shall be designed according to the criteria outlined in the Indiana Department of Natural Resources publications.
  - e. **Outlets of Pipes and Paved Channels:** Stabilization adequate to prevent erosion must be provided at the outlets of all pipes and paved channels.
3. *Temporary Erosion Control Methods:*
  - a. **Increased Runoff:** Provisions shall be made to accommodate increased runoff caused by changed surface and soil conditions during construction activities.
  - b. **Dust or Sediment:** Techniques shall be employed to prevent or minimize the blowing of dust or sediment from the site during construction.
  - c. **Temporary Sediment Controls:** Temporary sediment controls should be provided in the form of settling basins, sediment traps or tanks. Where circumstances warrant, installation of these may be required prior to further construction. Where possible, these should be designed to allow adaptation for permanent erosion control methods and storm water management.
  - d. **Adjacent Properties:** Adjacent properties shall be protected by use of a vegetated buffer strip and/or perimeter controls.
  - e. **Stone Check Dams:** Stone check dams shall be used in open drainage courses to slow velocities of the runoff and allow sediment to drop out.
  - f. **Silt Fences:** Silt fences or other approved methods shall be used along the down slope edges of all disturbed areas on the site; generally, silt fences should be installed at the edges of pavements, adjoining properties, along a watercourse, or to protect the inlets to drains and culverts.
  - g. **Temporary Soil Stockpiles:** All efforts should be made to stabilize temporary soil stockpiles during the construction phase; where necessary, this may include covering, where necessary.
  - h. **Close of the Construction Season:** If vegetative stabilization cannot be achieved at the close of the construction season, the site must be stabilized where necessary, using a heavy mulch layer or other approved method not requiring germination.
  - i. **Phasing:** Phasing may be required on all sites disturbing more than thirty (30) acres, with the size of each phase to be established at plan review and as approved by the Plan Commission. Provisions for phasing may include, for example, completion of certain infrastructure, and provision of erosion control protections, prior to beginning further construction activities of grading and clearing.
  - j. **Stabilization Time Limit:** Soil must be stabilized from erosion by wind or water within five (5) days of clearing.
  - k. **Vegetative Erosion Control Methods:** Where vegetative erosion control methods, such as seeding, have not become established within two (2) weeks, the Plan Commission may require the site to be reseeded or that a non-vegetative option is employed.
  - l. **Temporary Stream Crossing:** When a wet watercourse must be crossed regularly during construction, a temporary stream crossing shall be provided, and an approval obtained from the Plan Commission and any other federal, State or County agency with jurisdiction.
  - m. **Permit Requirement:** When in-channel work is conducted, all applicable permits shall be obtained from the Plan Commission and any other federal, State, or County agency with jurisdiction and the channel stabilized before, during and after work has been completed.

# Erosion Control Standards (EC)

- n. Maintenance: Sediment control measures and temporary storm water control measures are to be maintained so they are operating effectively until permanent ground surface protection and permanent storm water control measures are established in a manner specified in the applicable Erosion and Sediment Control Plan approval and Erosion Control Permit issued pursuant to §EC: *Erosion Control Standards* and §10.15: *Erosion Control Permit*. Fully functioning temporary sediment control measures, including but not limited to perimeter sediment controls shall remain in place until the ground is stabilized with permanent ground cover. In cases where it is not practical to leave the temporary sediment control measures in place prior to establishing permanent ground cover, an exception will be made only if one (1) or more of the conditions listed below will be met (*e.g.* when control measures need to be removed in order to grade the area or install pavement or sod). In no way does adhering to one of the conditions listed below relieve the owner of responsibility to clean-up or repair any damages caused from sediment or storm water runoff leaving the site.
  - o. At times deemed appropriate in the construction process, permanent vegetation by seeding may be required. On slopes greater than or equal to five percent (5%), anchored mulch shall be used. On project areas with slopes not exceeding five percent (5%), permanent vegetation shall be established by seeding within three (3) days of the removal of sediment barriers during the optimum spring (March 1<sup>st</sup> through May 10<sup>th</sup>) or fall (August 10<sup>th</sup> through September 30<sup>th</sup>) seeding periods. Temporary groundcover, such as annual summer grasses, may be required during the summer season where necessary.
4. *Construction Site Access:*
- a. Transport of Excavated Material: Provision should be made for proper transport of excavated material from the site without tracking or spilling along the transport route.
  - b. Site Ingress and Egress:
    - i. General: Ingress and egress to the site shall be by way of a coarse stone drive of sufficient length to cause soil picked up by tires of vehicles to be dropped before the vehicle enters the roadway. Drives shall be designed and situated so that they provide maximum protection against tracking of soil or mud onto the street.
    - ii. Single-family and Two-family Dwelling: For single- and two-family dwelling sites, the stone drive should coincide with the final location of the drive to the residence.
  - c. Additional Control Measures: The Executive Director may require additional control measures pursuant to §EC: *Erosion Control Standards* if determined necessary.
- G. Financial Security:
- 1. *Exceptions:* Applications for Improvement Location Permits for single- or two-family dwelling sites shall be exempt from the conditions of §G: *Financial Security*.
  - 2. *Subdivision:* As a condition of Secondary Plat approval, the Plan Commission may require an amount not less than \$5,000.00 to be included in the Performance Surety otherwise applicable to the subdivision to ensure compliance with §EC: *Erosion Control Standards*.
  - 3. *Commercial or Industrial:* In a commercial or industrial project, or a site not otherwise subject to a Performance Surety, the applicant shall provide surety bond, irrevocable letter of credit or executed escrow agreement in the name of Porter County for an amount of not less than \$5,000.00, or in the amount required by the Plan Commission. Said financial security shall remain in full force and effect throughout the length of the Improvement Location Permit. Contractors who regularly do work within the County may file a continuous surety bond with the County to cover the requirements of this section. However, renewals, continuation certificates and notices of cancellation must be directed to the Plan Commission by the bonding agency.

## Erosion Control Standards (EC)

### H. Liability and Responsibility of the Erosion Control Permit Holder:

1. The Erosion Control Permit holder is responsible for safely and legally completing the project. Neither the issuance of an Erosion Control Permit under the provisions of §*EC: Erosion Control Standards*, nor the compliance with the provisions or with any condition imposed by the Plan Commission shall relieve any person from the responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the County for damages to persons or property.
2. *General:* Notwithstanding other conditions or provisions or the minimum requirements set forth in §*EC: Erosion Control Standards*, the Erosion Control Permit holder is responsible for the prevention of damage to adjacent property. No person shall grade on land in any manner as to endanger or damage any adjoining public street, sidewalk, alley or any other public or private property without supporting and protecting such property from settling, cracking, erosion, sedimentation or other damage or personal injury which might result.
3. *Public Ways:* The Erosion Control Permit holder shall be responsible for the prompt removal of and the correction of damages resulting from any soil, miscellaneous debris or other materials washed, spilled, tracked, dumped, or otherwise deposited on public streets, highways, sidewalks, or other public thoroughfares, incidental to the construction activity, or during transit to and from the construction site.

# Lot Establishment Standards (LT)

## 7.16 LT-01: Lot Establishment Standards; Residential

This Lot Establishment Standards section applies to the following types of development:



- A. **General:** The shape, location and orientation of all lots within a development shall be appropriate for the uses proposed and be in accordance with the zoning districts, except as allowed by *Chapter 07: Subdivision, Development Plan and PUD Design Standards*.
- B. **Standards:** Every lot shall meet the following standards.
1. *Interior Street Frontage:* Residential lots shall be laid out such to only have frontage on interior streets, which may include frontage roads. All residential lots shall have frontage on a public street built to County street standards.
  2. *Side Lot Lines:* Residential lots shall have side lot lines that are within fifteen degrees (15°) of a right angle to the street and right-of-way.
  3. *Corner Lots:* Residential corner lots smaller than 20,000 square feet shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This shall include lots at the corner of a development entrance and an exterior public street.
  4. *Through Lots:* Residential lots shall not be designed to be through lots, unless the lot does not establish access to the second frontage.
  5. *Special Lots:* Residential lots abutting a watercourse, drainage way, channel or stream shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This space shall be allocated on the side of the property that abuts the water feature as a “no-disturb” zone.
  6. *Property Line Corners:*
    - a. At intersections of streets and alleys, property line corners shall be rounded by arcs of at least twenty (20) feet in radius or by chords of such arcs.
    - b. At intersections of streets the property line corners shall be rounded by arcs of at least twenty-five (25) feet in radius or by chords of such arcs.

## 7.17 LT-02: Lot Establishment Standards; Commercial and Industrial

This Lot Establishment Standards section applies to the following types of development:



- A. **General:** The shape, location and orientation of all lots within a development shall be appropriate for the uses proposed and be in accordance with the zoning districts, except as allowed by *Chapter 07: Subdivision, Development Plan and PUD Design Standards*.
- B. **Standards:** Every lot shall meet the following standards.
1. *Interior Street Frontage:* Commercial lots shall be laid out such to only have frontage on interior streets or access roads. Individual lots shall only be laid out to have direct access on public streets if expressly permitted to do so by the Thoroughfare Plan and the County Engineer.
  2. *Side Lot Lines:* Commercial lots shall have side lot lines that are within fifteen degrees (15°) of a right angle to the street and right-of-way. Said side lot lines shall extend in a straight line from the street right-of-way for at least twenty percent (20%) of the property’s depth.
  3. *Corner Lots:* Commercial corner lots shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. If there is a maximum lot area, that maximum shall also be increased by twenty-five percent (25%).
  4. *Special Lots:* Commercial lots abutting a watercourse, drainage way, channel or stream shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This space shall be allocated on the side of the property that abuts the water feature as a “no-disturb” zone.
  5. *Cohesive Design:* Commercial and industrial developments (*i.e.* shopping centers, commercial areas, and office parks) shall be designed holistically as a single project no matter how many lots are generated. All areas of the parent tract shall be shown as it is intended to be laid out and used.

## Lot Establishment Standards (LT)

6. *Sensitivity to Context:* Commercial and industrial developments shall be laid out to be sensitive to neighboring developments (if built), or neighboring zoning districts if undeveloped.
7. *Flexible Design:* Office parks are encouraged to plat small lots in order to maximize flexibility. Small office projects can consume one lot, while larger projects can consume multiple lots.
8. *Property Line Corners:*
  - a. At intersections of streets and alleys, property line corners shall be rounded by arcs of at least twenty (20) feet in radius or by chords of such arcs.
  - b. At intersections of streets the property line corners shall be rounded by arcs of at least twenty-five (25) feet in radius or by chords of such arcs.

# Mixed-use Development Standards (MU)

## 7.18 MU-01: Mixed-use Development Standards

This Mixed Use Development Standards section applies to the following types of development:



- A. **General:** Any development that incorporates a mix of uses, either as a Traditional Neighborhood, Site Plan, or Planned Unit Development shall meet the standards in this section. A mix of uses may be proposed within the same building and on the same parent tract.
- B. **Traditional Neighborhoods:**
  - 1. *Rezoning to Most Appropriate Zoning District:* Upon Primary Plat approval, the Plan Commission shall initiate the rezoning of each unique district within the development (*e.g.* single-family, townhouses, apartments, commercial center, park, or mixed use village) to the most appropriate zoning district for each subarea of the development to fulfill the applicant's intention and forward a recommendation for zoning change to the County Commissioners. The applicant may make a recommendation for those zoning districts, but the Plan Commission shall make the final determination. The applicant shall bear the cost of notice to adjacent property owners, and shall pay the fee for one (1) rezoning, even if the development will be rezoned into more than one new classification.
- C. **Site Plan:**
  - 1. *Minimizing On-site Conflicts:* Mixed uses shall be arranged on the site to minimize conflicts between other uses on-site or off-site.
- D. **Planned Unit Development:**
  - 1. *Minimizing On-site Conflicts:* Mixed uses shall be arranged on the site to minimize conflicts between other uses on-site or off-site.
  - 2. *Buffering Adjacent Properties:* Any land use within the development that borders a differing land use outside the development shall be reviewed to determine if a buffer yard is necessary. If a buffer yard is required, the Planned Unit Development shall install the buffer yard to specifications in *Chapter 05; §LA: Landscaping Standards.*

# Monument and Marker Standards (MM)

## 7.19 MM-01: Monument and Marker Standards; General

This Monument and Marker Standards section applies to the following types of development:



- A. Corner Monuments and Markers: All monument and marker improvements shall be installed per 865 IAC 1-12-18 and the *General and Detailed Specifications*.
- B. Centerline: Monuments conforming to 865 IAC 1-12-18(a)(2) shall be set on street centerlines at the beginning and end of curves and at the intersection of centerlines. When it is not practical to set a centerline monument in accordance with 865 IAC 1-12-18(a)(2), a centerline monument conforming to 865 IAC 1-12-18(a)(3) shall be set.
- C. Reporting: Upon completion of the development, as-built drawings shall be submitted showing where monuments and markers were placed. This shall be accompanied by an affidavit by the surveyor certifying that the monuments and markers are still accurately in place, and were not removed, moved, or buried such that they do not accurately denote surveyed lines or cannot be easily located.

# Open Space Standards (OP)

## 7.20 OP-01: Open Space Standards; General

This Open Space Standards section applies to the following types of development:



- A. **Purpose:** All developments shall be required to provide open space. Open space shall be designed to preserve important site amenities and environmentally sensitive areas. The intent of the Open Space Standards is to:
1. Encourage the wise use and management of natural resources;
  2. To preserve the integrity, stability, beauty, and value of the land;
  3. Preserve the natural beauty of the County and insure appropriate development with regard to environmental features; and
  4. To provide active or passive recreational opportunities for the residents within a proposed development.
- B. **Applicability:**
1. *Establishment of Control:* The Open Space Standards shall apply to the placement and modification of open space, as defined in *Chapter 12: Definitions*, within the jurisdiction of the Plan Commission. No such open space within a residential subdivision, multifamily, commercial, or industrial development or Planned Unit Development shall be constructed, erected, placed, modified or altered within the jurisdiction of the Plan Commission unless approved by the Plan Commission.
  2. *Identification of Forest Areas:* For purposes of the Open Space Standards, forest area priority areas shall be identified based upon the April 1999 aerial photography on record in the Mapping Division of the County Auditor's Office. For sites on which forest areas have been cleared between the date of the aerial photographs and the date on which a development proposal is filed with the Plan Commission, the application shall include a Reforestation Plan.
  3. *Lots of Record:* For purposes of the Open Space Standards, lots of record that are legally or illegally divided after January 7, 1994, and have not gone through the subdivision process before the Plan Commission shall be considered as though the parcels remain undivided.
- C. **Improvement of Open Space Parcels:**
1. *Improvements to Open Space:* As a general principle, environmental features should be left in their natural state. A developer may make certain improvements such as the cutting of trails for walking or jogging, or the provisions of picnic areas, *etc.* In addition, the Plan Commission shall require the developer to perform essential maintenance, such as removing dead or diseased trees, thinning trees or other vegetation to encourage more desirable growth, and grading and seeding.
  2. *Incorporation of Features:* The design of the development shall recognize and incorporate, where possible, the natural and man-made characteristics of the land both on the site and adjacent to the site. Areas with unique environmental features such as mature trees, wetlands, scenic watercourses, or aesthetic vistas shall be preserved, to the degree possible, and shall have those features incorporated into the development.
  3. *Land Unsuitable for Development:* Lands or portions of lands that the Plan Commission finds to be unsuitable for development due to flooding, improper drainage, steep slopes, adverse earth formations or topography, utility easements, or other reason or feature that may be harmful to the health, safety and general welfare of the present or future inhabitants of the development shall not be subdivided or developed unless adequate and environmentally appropriate provisions are made by the developer and approved by the Plan Commission to remedy and/or control the problems created by the unsuitable conditions. If the conditions cannot be remedied, those lands, or portions of lands, shall be set aside and allowed to remain open space.
  4. *Access to Open Space:* Open space shall have access for the residents within the proposed development. Said access must be a minimum of a fifty-foot (50') wide open space area fronting on an internal road proposed within the development.
  5. *Excluded Areas:* Non-qualifying storm water management facilities, rights-of-way, parking, drainage and utility easements shall not be considered within the area calculated for the open space.

## Open Space Standards (OP)

- D. Deed Restrictions: Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions approved by the Plan Commission ensuring that:
1. The open space area will not be further subdivided in the future;
  2. The use of the open space will continue in perpetuity for the purpose specified;
  3. Appropriate provisions will be made for the long-term maintenance of the open space; and
  4. Open space shall not be turned into a commercial enterprise admitting the general public at a fee.
- E. Open Space Ownership: The type of ownership of land dedicated for open space purposes shall be selected by the owner, developer, or subdivider, subject to the approval of the Plan Commission. Type of ownership may include, but is not limited to, the following:
1. Quasi-public organizations, subject to their acceptance;
  2. Homeowner, multifamily, or cooperative associations or organizations;
  3. Shared, undivided interest by all property owners in the subdivision; or
  4. County Department of Parks and Recreation or other governmental body, subject to their acceptance and terms.
- F. Maintenance of Open Space Areas: The person or entity identified in §E: *Open Space Ownership* as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance. In the event the person or entity responsible for upkeep and maintenance does not fulfill its obligation to maintain the open space, it is in violation of the Unified Development Ordinance and susceptible to *Chapter 11: Enforcement and Penalties* to remedy the violation.
- G. Owners Association: If the open space is owned and maintained by an owners association or like entity, the developer shall file a Declaration of Covenants that will govern the owners association, to be submitted with the application for Development Advisory Committee review (for multifamily developments), the Development Plan, Primary Plat, or Planned Unit Development. The provisions shall include, but are not limited to, the following:
1. The owners association must be established before any real property is sold;
  2. Membership must be mandatory for each buyer and any successive buyer;
  3. The open space restrictions must be permanent, not just applicable for a period of years;
  4. The owners association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
  5. Each owner must pay a *pro rata* share of the cost. Also, the assessment may be levied by the owners association as a lien on the property; and
  6. The owners association must be able to adjust the assessment to meet changed needs.
- H. Qualification of Open Space Parcels: Land being set aside for open space shall meet the following standards to count toward the minimum open space requirement:
1. *Quality Natural Features*: Any preserved quality natural feature (*e.g.* wetland, floodplain,  $\geq 15\%$  slopes, riparian corridor, natural lake, native species forest area, *etc.*) with a land area of at least eight hundred (800) contiguous square feet shall count toward the minimum open space requirement.
  2. *Low Quality Natural Features*: Any low quality natural feature (*e.g.* non-indigenous forest area, 5% to  $< 15\%$  steep slopes, *etc.*) with a land area of at least 10,890 contiguous square feet ( $\frac{1}{4}$  acre) shall count toward the minimum open space requirement.

# Open Space Standards (OP)

3. *Man-made Water Features:* Any man-made water feature (including retention facilities) shall count towards fifty percent (50%) of the minimum open space if it is enhanced to support aquatic life and provides native habitat as follows:
  - a. **Surface Area:** A surface area at normal pool elevation of at least 43,560 square feet (1 acre), and
  - b. **Depth:** At least twenty-five percent (25%) of the water body is at least eight (8) feet deep in order to support aquatic life. At least five percent (5%) shall be over ten (10) feet deep. These depths shall be delineated on the plans and maintained for the man-made water feature.
  - c. **Perimeter Access:**
    - i. **Width:** A buffer area around the full circumference of the water feature of at least seventy-five (75) feet from the top of bank shall be available as open space.
    - ii. **Plantings:** This open space shall be planted and maintained as wildlife habitat. This includes use of native (no more than twenty percent (20%) lawn grass) vegetation including prairie grasses and tree planting.
    - iii. **Maintenance:** Mowing may be used on an occasional basis to provide for walking trails and lakeside access for public recreation. However, no more than twenty percent (20%) of the open space shall be maintained as mowed areas.
  - d. **Access:** An area of open space at least fifty (50) feet wide extends from a street right-of-way to the seventy-five-foot (75') perimeter access area.
4. *Detention Facilities:* Man-made storm water detention facilities shall count towards fifty percent (50%) of the minimum open space if it provides native habitat as follows:
  - a. **Area:** The facility shall be at least 10,890 continuous square feet ( $\frac{1}{4}$  acre).
  - b. **Depth:** The man-made depth of a detention facility shall not exceed four (4) feet.
  - c. **Slope:** Man-made slopes within the detention facility shall not exceed four to one (4:1).
  - d. **Perimeter Access:**
    - i. **Width:** A buffer area around the full circumference of the facility of at least twenty-five (25) feet from the top of bank shall be available as open space.
    - ii. **Plantings:** This open space (facility and buffer area) shall be planted and maintained as usable area. This includes use of native (no more than twenty percent (20%) lawn grass) vegetation including prairie grasses and/or tree planting. Tree planting shall not be within the basin area and slopes. Tree planting shall be reserved for the adjoining buffer area.
    - iii. **Maintenance:** Mowing may be used on an occasional basis to provide for walking trails and access for public recreation.
  - e. **Access:** An area of open space at least fifty (50) feet wide extends from a street right-of-way to the twenty-five-foot (25') perimeter access area.
5. *Stream Corridors:* Open space along watercourses shall be a minimum width of seventy-five (75) feet from the water's edge (normal pool elevation) to the outer edges of the open space parcel or a greater distance that will protect the watercourse from erosion. Areas narrower than seventy-five (75) feet shall be deemed qualifying where the dimensions of the parcel preclude the ability to meet the full seventy-five-foot (75') open space dimension on one or both sides of the watercourse.
6. Any site that is stabilized from erosion with a land area of at least one (1) contiguous acre and at least thirty (30) feet in width.

# Open Space Standards (OP)

## 7.21 OP-02: Open Space Standards; Residential

This Open Space Standards section applies to the following types of development:



### A. Minimum Open Space Requirement:

1. *Sites without Existing Environmental Features or Unbuildable Land:*
  - a. Minimum Open Space:
    - i. Open Space including Detention Facilities: Sites that do not have existing environmental features or unbuildable land shall reserve the greater of:
      - [a] The minimum required open space for the subdivision type per *Chapter 06: Subdivision Regulations*; or
      - [b] A minimum of fifteen percent (15%) of the site for open space if detention facilities that meet the requirements of §OP-01(H)(4): *Detention Facilities* are to be included in the open space.
    - ii. Open Space excluding Detention Facilities: If detention facilities that meet the requirements of §OP-01(H)(4): *Detention Facilities* are not included in the open space, then the open space set-aside shall be the greater of:
      - [a] The minimum required open space for the subdivision type per *Chapter 06: Subdivision Regulations*; or
      - [b] A minimum of ten percent (10%) of the site. No intensity bonus is permitted on sites preserving a minimum of ten percent (10%).
  - b. Voluntary Set-aside: Subdivisions that set aside an area in excess of the greater of:
    - i. The minimum required open space for the subdivision type per *Chapter 06: Subdivision Regulations*; or
    - ii. Fifteen percent (15%) of the site;
 

as passive recreation open space or active recreation open space shall qualify to utilize the intensity bonus (see §B: *Intensity Bonus*).
  - c. Exceptions: For purposes of calculating the open space set-aside area that would qualify a site for the intensity bonus (see §B: *Intensity Bonus*), man-made storm water detention and retention facilities shall not be counted toward the initial ten percent (10%) of open space.
2. *Sites with Existing Environmental Features and/or Unbuildable Land:*
  - a. Minimum Open Space: Sites that have one (1) or more existing environmental features and/or unbuildable land shall reserve the greater of:
    - i. The minimum required open space for the subdivision type per *Chapter 06: Subdivision Regulations*; or
    - ii. A minimum of twenty percent (20%) of the site for open space.
  - b. Designated Priority Areas: Sites that have existing environmental features shall preserve one hundred percent (100%) of the designated priority areas for open space.
    - i. If the area of the designated priority areas alone exceeds twenty percent (20%) of the total site area, the site qualifies to utilize the intensity bonus.
    - ii. If the area of the designated priority areas in addition to those areas of unbuildable land that qualify as, and will be utilized for, open space exceeds (20%) of the total site area, the site qualifies to utilize the intensity bonus.
    - iii. Exceptions: If the area of the designated priority areas alone exceeds forty percent (40%) of the total site area, the developer shall not be required to preserve priority areas greater than forty percent (40%) of the total site area. Priority areas that are not preserved are not eligible to be utilized in the intensity bonus calculation.
    - iv. Exceptions: For purposes of calculating the area of designated priority areas that would qualify a site for the intensity bonus (see §B: *Intensity Bonus*), man-made storm water detention and retention facilities shall not be counted toward the initial twenty percent (20%) of open space.

# Open Space Standards (OP)

3. *Minor Subdivisions*: Minor Subdivisions (with four (4) or less lots) shall not be required to set aside any open space.
  4. *Planned Unit Development*: A minimum of twenty percent (20%) of the tract proposed for development shall be set aside for open space.
    - a. *Designated Priority Areas*: Sites that have existing environmental features shall preserve one hundred percent (100%) of the designated priority areas for open space.
    - b. *Exceptions*: If the area of the designated priority areas alone exceeds forty percent (40%) of the total site area, the developer shall not be required to preserve priority areas greater than forty percent (40%) of the total site area.
- B. Intensity Bonus:**
1. The total number of residential units allowable within an open space development that qualifies for the use of the intensity bonus under §A(1): *Sites without Existing Environmental Features or Unbuildable Land* shall be determined based upon the following formula:
 
$$T = BD \times [(0.9) \times (A - R)]$$
 Where:
    - T = the total number of dwelling units;
    - BD = the base density of the zoning district expressed in dwelling units per acre;
    - A = the total area of the pre-development site (in acres);
    - U = the unbuildable land as defined (in acres);
    - R = the total area of existing rights-of-way and utility easements on site pre-development (in acres).

[*Example*: For a one hundred-acre (100 Ac.) subdivision in a zoning district with a base density of two dwelling units per acre (2.0 d.u./Ac.), where the area of preexisting easements and rights-of-way is 5.0 acres, the Total Number of Dwelling Units =  $2.0 \times (0.9 \times (100 - 5)) = 2.0 \times (0.9 \times 95) = (2.0 \times 85.5) = 171$  dwelling units]
  2. The total number of residential units allowable within an open space development that qualifies for the use of the intensity bonus under §A(2): *Sites with Existing Environmental Features and/or Unbuildable Land* shall be determined based upon the following formula:
 
$$T = BD \times [A - (U + R)]$$

[*Example*: For a one hundred-acre (100 Ac.) subdivision in a zoning district with a base density of two dwelling units per acre (2.0 d.u./Ac.), where the area of the unbuildable land is 5.0 acres and the area of preexisting easements and rights-of-way is 5.0 acres, the Total Number of Dwelling Units =  $2.0 \times (100 - (5+5)) = 2.0 \times (100 - 10) = (2.0 \times 90) = 180$  dwelling units]
  3. *Minimum Lot Area*: In single-family zoning districts, lot area may be reduced by up to twenty-five percent (25%), but no lot shall be smaller than 8,000 square feet; however, lots utilizing wells or individual lot waste disposal systems shall not be smaller than the minimum area required by the County Health Department for the use of such systems.
 

In the Rural Residential (RR) zoning district, lots utilizing well and septic systems shall not reduce the minimum lot area below 43,560 square feet (one (1) acre), and then only if so approved by the County Health Department.
  4. Lots utilizing municipal water and sewer service are eligible to use the following lot standards:
    - a. *Minimum Front Setback*: The front setback shall not be reduced to less than twenty-five (25) feet.
    - b. *Minimum Side Setback*: The side setback shall not be reduced to less than five (5) feet.
    - c. *Minimum Lot Width*: The lot width shall not be reduced to less than sixty (60) feet. Lots in the Rural Residential (RR) zoning district that have received approval for reduced lot area pursuant to §B(3) may also reduce the lot width to not less than one hundred (100) feet.
    - d. *Minimum Rear Setback*: The rear setback shall not be reduced to less than fifteen (15) feet.

## Open Space Standards (OP)

- C. **Priority Areas:** The land set aside for open space shall, as a first priority, be the areas with the most significant environmental features (*e.g.* dunes, floodplains, prairie, steep slopes, wetlands, wood lots, high quality forest resources, natural lakes, stream corridors, critical wildlife habitat areas, *etc.*).
- D. **Other Areas:** The following features count toward the minimum open space requirement in all residential developments once the requirements of §C: *Priority Areas* have been met. These features' land area shall count one hundred percent (100%) toward the open space requirement unless indicated otherwise elsewhere:
1. **Perimeter Landscaping:** Perimeter landscaping as required per *Chapter 07; §PL: Perimeter Landscaping Standards*, except when the required perimeter landscaping area is reduced pursuant to a Design Waiver.
  2. **Development Amenity:**
    - a. **General:**
      - i. Large residential developments shall install a development amenity located in reasonable proximity to all of the residential lots and units.
      - ii. Development amenities are required to be installed or conserved as open space in all residential subdivisions. Development amenities' land area shall count one hundred percent (100%) toward the open space requirement unless indicated otherwise elsewhere.
    - b. **Applicability:** Developments with one hundred (100) dwelling units or more, or have a parent tract of eighty (80) acres or more.
    - c. **Exceptions:** If all the following conditions exist or are caused to exist by the applicant, the Development Amenity Standards shall not apply:
      - i. A public park or public recreation courts exist within one-half (½) mile of the development's perimeter; and
      - ii. A pedestrian network exists to safely and efficiently convey people to the park or recreation courts; and
      - iii. The park or recreation courts are at least twice as large as is required in these standards.
      - iv. Development amenity shall not apply if open space is otherwise protecting high quality natural features for conservation purposes, and incorporating some form of pedestrian network system.
    - d. **Options:** The applicant shall install either a:
      - i. Children's playground with play equipment; or
      - ii. Recreation courts/fields; or
      - iii. Pocket park with large trees, landscaping and sitting areas.
    - e. **Children's Playground:** If the children's playground option is selected, the following standards shall apply:
      - i. **Area:** The children's playground area shall be one-half (½) acre for the first one hundred (100) dwelling units; plus one-quarter (¼) acre for every fifty (50) dwelling units over the first one hundred (100) dwelling units.
      - ii. **Feature:** The children's playground shall have at least six (6) unique pieces of commercial grade playground equipment (*i.e.* straight slide, cyclone slide, crawl tubes, swing set, teeter-totter, and the like). One (1) additional piece of equipment shall be installed for every fifty (50) dwelling units over the initial one hundred (100) dwelling units.
      - iii. **Location:** The children's playground shall be sited in a central location accessible to all dwelling units and connected by sidewalks.
      - iv. **Seating:** Four (4) places to sit for pedestrians shall be provide for every one-quarter (¼) acre of required children's playground area. Seating can be benches, ledges, boulders, or the like.
      - v. **Landscaping:** A minimum of one (1) tree shall be installed for every one-quarter (¼) acre of required children's playground area.
      - vi. **Safety:** All equipment and surfaces shall meet or exceed the safety standards set by the Consumer Product Safety Commission (CPSC) and ASTM International.

# Open Space Standards (OP)

- f. Recreation Court: If the recreation court option is selected, the following standards shall be met:
    - i. Area: The recreation court area shall be one (1) acre for the first one hundred (100) dwelling units; plus one-quarter ( $\frac{1}{4}$ ) acre for every fifty (50) dwelling units over the first one hundred (100) dwelling units.
    - ii. Feature: The recreation court shall have at least three (3) unique types of courts/fields (*i.e.* basketball, sand volleyball, tennis, soccer, football and the like) and at least four (4) total courts/fields. One (1) additional court/field shall be installed for every fifty (50) dwelling units over the initial one hundred (100) dwelling units.
    - iii. Location: The recreation court shall be sited in a central location accessible to all dwelling units and connected by sidewalks.
    - iv. Seating: Ten (10) places to sit for pedestrians shall be provided for every court/field area. Seating can be benches, ledges, boulders, or the like.
    - v. Fencing and Landscaping: A ten-foot (10') tall fence shall be installed to enclose any tennis or basketball court, and a minimum of thirty (30) shrubs shall be around the perimeter of any hard surface recreation court.
  - g. Pocket Park Standards: If the pocket park option is selected, the following standards shall be met:
    - i. Area: The pocket park shall be one-half ( $\frac{1}{2}$ ) acre for the first one hundred (100) dwelling units; plus one-quarter ( $\frac{1}{4}$ ) acre for every fifty (50) dwelling units over the first one hundred (100) units.
    - ii. Feature: The pocket park shall be a "soft space" for respite from the suburban environment. This softness shall be provided by an organic layout, plant materials, natural boulders and the like.
    - iii. Location: The pocket park shall be sited anywhere in the development as long as it is easy to access and is connected to the sidewalk/path network with a sidewalk or hard surface path.
    - iv. Seating: Ten (10) places to sit for pedestrians shall be provided for every one-quarter ( $\frac{1}{4}$ ) acre of required pocket park area. Seating can be benches, ledges, boulders, or the like.
    - v. Landscaping: A minimum of ten (10) canopy trees, five (5) non-canopy trees and twenty (20) shrubs shall be installed per one-quarter ( $\frac{1}{4}$ ) acre of required pocket park area. The minimum caliper of each canopy tree shall be four (4) inches DBH.
3. *Common Area:*
- a. General: Residential developments required to have perimeter landscaping, open space, conservation, detention, retention, and/or drainage ways; or that electively have amenities accessible to residents in the development shall designate those areas as common areas that are neither dedicated to nor accepted for ownership and maintenance by the public.
  - b. Maintenance: All common area shall be operated and maintained by an owners association or similar legal entity in perpetuity. A legally binding mechanism specified in the development's Declaration of Covenants shall be utilized to collect fees to maintain all common areas as originally designed and committed to the County. The covenant language shall explicitly establish the ownership, assessment to each property, dues and programs that will insure maintenance of all common areas and other non-dedicated development features, at no expense or burden to the County. All of the common areas and non-dedicated development features shall be maintained in a structurally sound, aesthetically pleasing, and safe manner; and in pursuit of maintaining the design, function and aesthetic established by the applicant and committed to the County on the day of approval.  
*Note: Any deviation from the originally approved design or commitments of the applicant is a violation of the Unified Development Ordinance and shall be susceptible to enforcement and penalties. Proposed deviations shall require a replat.*
  - c. Modifications:
    - i. Landscaping: Any landscaping (*e.g.* trees, shrubs, and ground cover) installed as perimeter landscaping shall not be removed unless diseased or dead. If landscaping is removed, an equal type of plant shall be installed. Additionally, a minimum of two-thirds ( $\frac{2}{3}$ ) of the DBH shall be installed, whether as one plant or multiple plants. Additional landscaping may be added to common areas as long as it is located outside any easement that would prevent the activity.

# Open Space Standards (OP)

- ii. **Fences and Walls:** No new fence or wall shall be installed in common areas. A fence or wall that was installed as a part of the original development shall be maintained (*e.g.* finish, materials, location, and size).

E. **Phasing:** Multiple-phase residential subdivision or multifamily development shall not be required to set aside open space in each phase as long as the final development meets the minimum standards, and the priorities listed above are achieved.

## 7.22 OP-03: Open Space Standards; Commercial and Industrial

This Open Space Standards section applies to the following types of development:



### A. Minimum Open Space Requirement:

#### 1. *Sites without Existing Environmental Features or Unbuildable Land:*

##### a. Minimum Open Space:

- i. **Open Space including Dry Detention Facilities:** Sites that do not have existing environmental features or unbuildable land shall reserve the greater of:
  - [a] The minimum required open space for the subdivision type per *Chapter 06: Subdivision Regulations*; or
  - [b] A minimum of fifteen percent (15%) of the site for open space if detention facilities that meet the requirements of §OP-01(H)(4): *Detention Facilities* are to be included in the open space.
- ii. **Open Space excluding Dry Detention Facilities:** If detention facilities that meet the requirements of §OP-01(H)(4): *Detention Facilities* are not included in the open space, then the open space set-aside shall be the greater of:
  - [a] The minimum required open space for the subdivision type per *Chapter 06: Subdivision Regulations*; or
  - [b] A minimum of ten percent (10%) of the site.

#### 2. *Sites with Existing Environmental Features and/or Unbuildable Land:*

##### a. Minimum Open Space: Sites that have one (1) or more existing environmental features and/or unbuildable land shall reserve the greater of:

- i. The minimum required open space for the subdivision type per *Chapter 06: Subdivision Regulations*; or
- ii. A minimum of twenty percent (20%) of the site for open space.

##### b. Designated Priority Areas: Sites that have existing environmental features shall preserve one hundred percent (100%) of the designated priority areas for open space. If the area of the designated priority areas alone exceeds forty percent (40%) of the total site area, the developer shall not be required to preserve priority areas greater than forty percent (40%) of the total site area.

#### 3. *Planned Unit Development:* A minimum of twenty percent (20%) of the tract proposed for development shall be set aside for open space.

##### a. Designated Priority Areas: Sites that have existing environmental features shall preserve one hundred percent (100%) of the designated priority areas for open space.

##### b. Exceptions: If the area of the designated priority areas alone exceeds forty percent (40%) of the total site area, the developer shall not be required to preserve priority areas greater than forty percent (40%) of the total site area.

B. **Priority Areas:** The land set aside for open space shall, as a first priority, be the areas with the most significant environmental features (*e.g.* dunes, floodplains, prairie, steep slopes, wetlands, wood lots, high quality forest resources, natural lakes, stream corridors, critical wildlife habitat areas, *etc.*).

# Open Space Standards (OP)

- C. Other Areas: The following features count toward the minimum open space requirement in all residential developments once the requirements of §B: *Priority Areas* have been met. These features' land area shall count one hundred percent (100%) toward the open space requirement unless indicated otherwise elsewhere:
1. *Perimeter Landscaping*: Perimeter landscaping as required per *Chapter 07*; §PL: *Perimeter Landscaping Standards*, except when the required perimeter landscaping area is reduced pursuant to a Design Waiver.
  2. *Development Amenity*:
    - a. General:
      - i. Large commercial or office developments along primary corridors shall install a public amenity integrated closely with the perimeter pedestrian network.
      - ii. Development amenities' land area shall count one hundred percent (100%) toward the open space requirement unless indicated otherwise elsewhere.
    - b. Applicability: Developments that meet both of the criteria listed below shall comply with the requirements of this section.
      - i. Developments that will result in 40,000 square feet or more of total floor area, or that have a parent tract of ten (10) acres or greater, and
      - ii. Developments along the \_\_\_\_\_ Road, \_\_\_\_\_ Street, or \_\_\_\_\_ Street corridor shall provide at least one (1) public amenity integrated closely with the pedestrian network of paths.
    - c. Options: The petitioner shall install either a:
      - i. Plaza with a notable sculpture or fountain, or
      - ii. Pocket park with large trees, landscaping and sitting areas.
    - d. Plaza Standards: If the plaza option is selected, the following standards shall be met:
      - i. Area: The plaza shall be at least two-tenths of one percent (0.2%) of the total primary structure's footprint area. The total plaza area shall count toward the minimum open space requirement.
      - ii. Feature: The plaza shall have a focal point comprised of either a fountain or fine art sculpture and be large enough to be visible from the primary roadway.
      - iii. Location: The plaza shall be sited close to the perimeter sidewalk/path network and be connected to the perimeter sidewalk/path network with a sidewalk or hard surface path. The plaza may be integrated into the development's gateway feature or double as a gateway feature for the development.
      - iv. Seating: One (1) place to sit for pedestrians shall be provided for every one hundred (100) square feet of required plaza area. Seating can be benches, ledges, boulders, or the like.
      - v. Landscaping: A minimum of two (2) trees and fifteen (15) shrubs shall be installed in or on the perimeter of the plaza.
    - e. Pocket Park Standards: If the pocket park option is selected, the following standards shall be met:
      - i. Area: The pocket park shall be at least four-tenths of one percent (0.4%) of the total primary structure's footprint area. The total pocket park shall count toward the minimum open space requirement.
      - ii. Feature: The pocket park shall be a "soft space" for respite from the suburban environment. This softness shall be provided by an organic layout, plant materials, natural boulders and the like.
      - iii. Location: The pocket park shall be sited close to the perimeter sidewalk/path network and be connected to the perimeter sidewalk/path network with a sidewalk or hard surface path. The pocket park may be integrated into the development's gateway feature or double as a gateway feature for the development.
      - iv. Seating: One (1) place to sit for pedestrians shall be provide for every two hundred (200) square feet of required pocket park area. Seating can be benches, ledges, boulders, or the like.
      - v. Landscaping: A minimum of one (1) canopy tree, one (1) non-canopy tree and five (5) shrubs shall be installed per two hundred (200) square feet of required pocket park area. The minimum caliper of each canopy tree shall be four (4) inches DBH.

# Open Space Standards (OP)

## 3. Common Area:

- a. **General:** Commercial or industrial developments required to have perimeter landscaping, open space, conservation, detention, retention, drainage ways, or parking lots; or that electively have amenities accessible to businesses or the public in the development shall designate those areas as common area. Common areas shall function as an “umbrella” classification denoting that it is to be operated and maintained privately.
- b. **Maintenance:** All common area shall be maintained by an owners association or other legal entity in perpetuity. A legally binding mechanism specified in the Declaration of Covenants shall be utilized to collect fees to maintain all common areas as originally designed and committed to the County. The covenant language shall explicitly establish the ownership, assessment to each property, dues and programs that will insure maintenance of all common areas and other non-dedicated development features, at no expense or burden to the County. All of the common areas and non-dedicated development features shall be maintained in a structurally sound, aesthetically pleasing, and safe manner; and in pursuit of maintaining the design, function and aesthetic established by the applicant and committed to the County on the day of approval.

*Note: Any deviation from the originally approved design or commitments of the applicant is a violation of the Unified Development Ordinance and shall be susceptible to enforcement and penalties. Proposed deviations shall require a replat.*

## c. Modifications:

- i. **Landscaping:** Any landscaping (*e.g.* trees, shrubs, and ground cover) that was installed in perimeter areas shall not be removed unless diseased or dead. If landscaping is removed an equal type of plant shall be installed. Additionally, a minimum of two-thirds (2/3) of the DBH shall be installed, whether as one (1) plant or multiple plants. Additional landscaping may be added to common areas as long as it is outside an easement that prevents the activity.
- ii. **Fences and Walls:** No new fence or wall shall be installed in common areas. A fence or wall that was installed as a part of the original development shall be maintained (*e.g.* finish, materials, location, and size).

- D. **Phasing:** Multiple-phase commercial or industrial developments shall not be required to set aside open space in each phase as long as the final development meets the minimum open space standards, and the priorities listed above are achieved.

# Pedestrian Network Standards (PN)

## 7.23 PN-01: Pedestrian Network Standards; Residential

This Pedestrian Network Standards section applies to the following types of development:



- A. **General:** All residential developments shall integrate an interior and exterior pedestrian network comprised of sidewalks or asphalt paths for pedestrian transportation and recreation.
- B. **Minimum Internal Pedestrian Network Standards:**
  1. *Width:* The minimum sidewalk width shall be as indicated on the two-page layouts for each type of subdivision in *Chapter 06: Subdivision Regulations*; or five (5) feet for Development Plans and Planned Unit Developments.
  2. *Location:* As indicated on the two-page layouts for each type of subdivision in *Chapter 06: Subdivision Regulations*; or on both sides of the street for Development Plans and Planned Unit Developments.
  3. *Location within the Right-of-way:* All required sidewalks shall be located at least one-half (0.5) foot inside the right-of-way to be dedicated to the County.
  4. *Grass Plot Width:* All sidewalks shall be spaced away from the back of curb to provide a grass plot and to provide pedestrian separation from vehicles. This minimum distance shall be:
    - a. Subdivision: As indicated on the two-page layouts for each type of subdivision in *Chapter 06: Subdivision Regulations*; or
    - b. Planned Unit Development: Five (5) feet; or
    - c. Development Plan: Five (5) feet.
- C. **Minimum External Pedestrian Network Standards:** All residential developments shall participate in the establishment or improvement of the pedestrian network along its perimeter.
  1. *Type of Pedestrian Facility:* The determination of whether the perimeter pedestrian network shall be constructed of concrete, asphalt, or fine-crushed stone, shall be determined by the Thoroughfare Plan.
  2. *Sidewalk/Path Width:* As indicated on the Thoroughfare Plan.
  3. *Sidewalk/Path Spacing from the Right-of-way:* Generally, all required sidewalks or paths shall be located inside the right-of-way of the perimeter street, but if utility poles, trees, or other physical characteristic dissuades or complicates installation, then the sidewalk or path may encroach into the perimeter landscaping (common area). Also, a perimeter path or perimeter sidewalk shall not extend more than nine (9) feet inside the public right-of-way.
  4. *Grass Plot Width:* All sidewalks shall be spaced away from the back of curb or edge of pavement to provide a grass plot and to provide pedestrian separation from vehicles. This distance shall be per the Thoroughfare Plan.
  5. *Planting of Grass Plot:* If the grass plot needs planted with grass, the petitioner shall install grass seed as per the County Engineer in that space between the back of curb/edge of pavement and the perimeter sidewalk/path.
  6. *Special Requirements:* Where it is identified in the Thoroughfare Plan, other material, methods of construction, and development standards may be warranted, as determined by the Executive Director and/or the County Engineer.
- D. **Pedestrian Crosswalk:** In the design of blocks longer than eight hundred (800) feet, the Plan Commission may specify the installation of a mid-block pedestrian crosswalks at a location that is useful to facilitate pedestrian circulation to a school, park, recreation area, shopping center, or other significant neighborhood destination; or to assure a safe pedestrian network.
- E. **Sidewalk or Path Construction:** All concrete sidewalk and asphalt path improvements are to be constructed per the *General and Detailed Specifications*.

# Pedestrian Network Standards (PN)

## 7.24 PN-02: Pedestrian Network Standards; Conservation Residential

This Pedestrian Network Standards section applies to the following type of development:



- A. **General:** All conservation residential developments shall integrate an interior and exterior pedestrian network comprised of sidewalks, asphalt, fine crushed stone or mulch paths for pedestrian transportation and recreation.
- B. **Minimum Internal Pedestrian Network Standards:**
1. *Width:* The minimum sidewalk width shall be as indicated on the two-page layouts for this type of subdivision in *Chapter 06: Subdivision Regulations*.
  2. *Location:* As indicated on the two-page layouts for this type of subdivision in *Chapter 06: Subdivision Regulations*.
  3. *Location within the Right-of-way:* All required sidewalks shall be located at least one-half (0.5) foot inside the right-of-way to be dedicated to the County.
  4. *Grass Plot Width:* All sidewalks shall be spaced away from the back of curb to provide a grass plot and to provide pedestrian separation from vehicles. This minimum distance shall be as indicated on the two-page layouts for this type of subdivision in *Chapter 06: Subdivision Regulations*.
- C. **Minimums Trail Network Standards:**
1. *Surface:* The minimum trail surface shall be constructed of at least five (5) inches of mulch, sand, or crushed stone recessed to be one (1) inch above grade. Asphalt surfaces are allowed as well, but concrete shall not be permitted.
  2. *Width:* The minimum trail width shall be four (4) feet.
  3. *Length:* The minimum length of total trail to be installed on-site shall be sixty percent (60%) of the total lineal feet of internal streets installed in the development.
  4. *Location:* The trail network shall be installed in the conservation areas and be linked to the hard surface pedestrian network. The trail system shall also be sensitively extended to environmental amenities if practicable.
- D. **Minimum External Pedestrian Network Standards:** All residential developments shall participate in the establishment or improvement to the pedestrian network along its perimeter.
1. *Type of Pedestrian Facility:* The determination of whether the perimeter pedestrian network shall be constructed of concrete or asphalt shall be determined by the Thoroughfare Plan.
  2. *Sidewalk/Path Width:* As indicated on the Thoroughfare Plan.
  3. *Sidewalk/Path Spacing from the Right-of-way:* Generally, all required sidewalks or paths shall be located inside the right-of-way of the perimeter street, but if utility poles, trees, or other physical characteristic dissuades or complicates installation, then the sidewalk or path may encroach into the perimeter landscaping (common area). Also, a perimeter path or perimeter sidewalk shall not extend more than nine (9) feet inside the public right-of-way.
  4. *Grass Plot Width:* All sidewalks shall be spaced away from the back of curb or edge of pavement to provide a grass plot and to provide pedestrian separation from vehicles. This distance shall be per the Thoroughfare Plan.
  5. *Planting of Grass Plot:* If the grass plot needs planted with grass, the petitioner shall install grass seed as per the County Engineer in that space between the back of curb/edge of pavement and the perimeter sidewalk/path.
  6. *Special Requirements:* Where it is identified in the Thoroughfare Plan, other material, methods of construction, and development standards may be warranted, as determined by the Executive Director and/or the County Engineer.
- E. **Sidewalk or Path Construction:** All concrete sidewalk and asphalt path improvements are to be constructed per the *General and Detailed Specifications*.

# Pedestrian Network Standards (PN)

## 7.25 PN-03: Pedestrian Network Standards; Commercial and Industrial

This Pedestrian Network Standards section applies to the following types of development:



- A. **General:** All commercial and industrial developments shall integrate an interior and exterior pedestrian network comprised of sidewalks or asphalt for pedestrian transportation and recreation.
- B. **Minimum Internal Pedestrian Network Standards:**
  1. *Width:* The minimum sidewalk width shall be as indicated on the two-page layouts for this type of subdivision in *Chapter 06: Subdivision Regulations*.
  2. *Location:* As indicated on the two-page layouts for this type of subdivision in *Chapter 06: Subdivision Regulations*.
  3. *Location within the Right-of-way or Easement:* All required sidewalks shall be located at least one-half (0.5) foot inside the right-of-way to be dedicated to the County.
  4. *Grass Plot Width:* All sidewalks shall be spaced away from the back of curb to provide a grass plot and to provide pedestrian separation from vehicles. This minimum distance shall be as indicated on the two-page layouts for this type of subdivision in *Chapter 06: Subdivision Regulations*.
- C. **Minimum External Pedestrian Network Standards:** All commercial and industrial developments shall participate in the establishment or improvement to the pedestrian network along its perimeter adjacent to public streets.
  1. *Type of Pedestrian Facility:* The determination of whether the perimeter pedestrian network shall be constructed of concrete, asphalt, or fine-crushed stone, shall be determined by the Thoroughfare Plan.
  2. *Sidewalk/Path Width:* As indicated on the Thoroughfare Plan.
  3. *Sidewalk/Path Spacing from the Right-of-way:* Generally, all required sidewalks or paths shall be located inside the right-of-way of the perimeter street, but if utility poles, trees, or other physical characteristic block or complicates installation, then the sidewalk or path may encroach into the perimeter landscaping (common area). Also, a perimeter path or perimeter sidewalk shall not extend more than nine (9) feet inside of the public right-of-way.
  4. *Grass Plot Width:* All sidewalks shall be spaced away from the back of curb or edge of pavement to provide a grass plot and to provide pedestrian separation from vehicles. This distance shall be per the Thoroughfare Plan.
  5. *Planting of Grass Plot:* If the grass plot needs to be planted with grass, the petitioner shall install grass seed as per the County Engineer in that space between the back of curb/edge of pavement and the perimeter sidewalk/path.
  6. *Special Requirements:* Where it is identified in the Thoroughfare Plan, other material, methods of construction, and development standards may be warranted, as determined by the Executive Director and/or the County Engineer.
- D. **Sidewalk or Path Construction:** All concrete sidewalk and asphalt path improvements are to be constructed per the *General and Detailed Specifications*.

## Perimeter Landscaping Standards (PL)

### 7.26 PL-01: Perimeter Landscaping Standards; Residential

This Perimeter Landscaping Standards section applies to the following types of development:



- A. **General:** The public right-of-way shall be buffered from the development using a soft barrier. Further, the landscaping shall be used to define the road corridors. A Landscape Plan showing perimeter landscaping shall be presented to the Plan Commission for approval as part of the project submittal.
- B. **Applicability:** *Section PL: Perimeter Landscaping Standards* shall apply to any portion of a residential development that abuts an expressway, interstate highway, primary or secondary arterial, or a primary or secondary collector.
- C. **Standards:**
  1. **Minimum Depth:** Twenty-five (25) feet and counts twenty-five percent (25%) toward the minimum open space requirement in *Chapter 07; §OP: Open Space Standards.*)
  2. **Minimum Length:** The perimeter landscape area shall extend the entire length of the frontage.
  3. **Plant Materials:** Trees and shrubs shall be provided at a combined rate of ten (10) per one hundred (100) lineal feet of perimeter planting. Trees and shrubs shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet. It is suggested that the required trees and shrubs be at least fifty percent (50%) evergreen, planted in clusters or irregular, nonlinear patterns.
  4. **Fencing or Mounding:** Where used, fencing or mounding as described below shall be integrated with the required trees and shrubs.
    - a. **Perimeter Fences:** A high quality perimeter fence common to the development's character shall be combined with plant material and shall be constructed of masonry, stone, wood, or metal. Fences constructed of synthetic materials that simulate natural materials will also be allowed. Fences shall be at least thirty-six (36) inches in height, but not over seventy-two (72) inches in height. Fencing may only be provided by the petitioner and only located in the perimeter landscaping area which must be classified as "common area."
    - b. **Mounds:** Mounds shall be combined with plant material, as described above, and may include fencing. Mounds shall be located in an area designated as "Common Area" or "landscape easement." Mounds shall be a minimum of three (3) feet in height. Maximum side slope shall not exceed a three to one (3:1) ratio. Engineering design requirements shall determine the setback from the right-of-way line of a public or private street and from the property line of an adjoining property. Continuous mounds are not permitted (*i.e.* levee-like mounds).

# Perimeter Landscaping Standards (PL)

## 7.27 PL-02: Perimeter Landscaping Standards; Commercial and Industrial

This Perimeter Landscaping Standards section applies to the following types of development:



- A. **General:** The public right-of-way shall be buffered from the development using a soft barrier. Further, the landscaping shall be used to define the road corridors. A Landscape Plan showing perimeter landscaping shall be presented to the Plan Commission for approval as part of the project submittal.
- B. **Applicability:** *Section PL: Perimeter Landscaping Standards* shall apply to any portion of a commercial or industrial development that abuts an expressway, interstate highway, primary arterial, secondary arterial, primary collector, or secondary collector.
- C. **Standards:**
  1. **Minimum Depth:** Twenty (20) feet. (Note that perimeter landscaping that is at least fifty (50) feet in width and length counts one hundred percent (100%) toward the minimum open space requirement in *Chapter 07; §OP: Open Space Standards.*)
  2. **Minimum Length:** The perimeter landscape area shall extend the entire length of the frontage.
  3. **Plant Materials:** Trees shall be provided at a rate of nine (9) trees per one hundred (100) feet of right-of-way frontage and shrubs provided at a rate of ten (10) per one hundred (100) feet of right-of-way frontage. Trees and shrubs shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet. It is suggested that the required trees and shrubs be at least fifty percent (50%) evergreen, planted in clusters or irregular, nonlinear patterns.

# Storm Water Standards (SM)

## 7.28 SM-01: Storm Water Standards; General

This Storm Water Standards section applies to the following types of development:



- A. **Purpose and Intent:** The purpose of this section is to establish minimum storm water management standards and controls to protect and safeguard the general health, safety and welfare of the public residing within watersheds in the County, through the following objectives to:
1. Minimize increases in non-point source pollution caused by storm water runoff from development that might otherwise degrade local water quality;
  2. Minimize surface water runoff from specific sites during and after development to not exceed the pre-development hydrologic regime, to the maximum extent practicable;
  3. Ensure that soil erosion and sediment control facilities and storm water management facilities are properly designed, constructed, and incorporated into site development at the beginning of design and planning;
  4. Ensure that storm water management facilities are properly maintained so as to pose no threat to the public health and safety;
  5. Ensure that landowners control the volume and rate of storm water runoff originating from their property and maintain available flood storage areas so that surface and ground water quality is protected, erosion minimized, and flooding reduced;
  6. Encourage the design and construction of storm water management facilities that promote flood prevention, water quality protection, wildlife habitat preservation, and wetland protection;
  7. Reduce maintenance and remediation project costs resulting from accelerated soil erosion and sedimentation from uncontrolled storm water run off.
- B. **Considerations:** *Section SM: Storm Water Standards* does not create any liability on the part of the County, the Plan Commission, or any elected or appointed official or employee thereof, for any damages that result from reliance on this section or any alterations required to conform to the engineering requirements established hereunder or any administrative decisions lawfully made thereunder. Any land-disturbing activity shall be accomplished in conformity with the storm water management standards.
- C. **Enforcement Authority:** The enforcement authority for §SM: *Storm Water Standards* shall be the Plan Commission, its agents and employees. In addition, the Plan Commission may seek direction and assistance from the County Drainage Board, the County Surveyor, the County Engineer, the Natural Resources Conservation Service (NRCS) and the Indiana Department of Natural Resources (DNR).
- D. **Applicability:** All proposals for land development submitted to the Plan Commission or Board of Zoning Appeals for approval shall provide for the collection and management of all storm and surface water drainage.
1. A Drainage Plan is required for all development or land-disturbing activity, unless otherwise exempt per §3: *Exceptions*.
  2. All Drainage Plans shall be reviewed by the Plan Commission. The Plan Commission may delegate Drainage Plan review and approval for individual Improvement Location Permits to the Executive Director.
  3. *Exceptions:* *Section SM: Storm Water Standards* also applies to land-disturbing activities that are smaller than the minimum applicability criteria below, if the project site is a phase of a larger development, even if multiple separate and distinct land-disturbing activities take place at different times on different schedules. The following are exempt from such Drainage Plans:
    - a. Additions or modifications to an existing single-family dwelling;
    - b. Land-disturbing activities that do not disturb more than 5,000 square feet, provided:
      - i. The project site is not a phase of a larger development; and
      - ii. The impervious surface coverage does not exceed 1,000 square feet;
    - c. Repairs to any storm water management facility deemed necessary by the Plan Commission.

# Storm Water Standards (SM)

4. *Design Waiver:*
    - a. Every applicant shall provide for storm water management as required per §SM: *Storm Water Standards* unless the Plan Commission approves Design Waivers of specific requirements (see §10.10: *Design Waiver*).
    - b. Supplemental Findings of Fact: In addition to the findings required for a Design Waiver per §10.10(H)(6): *Findings of Fact*, the Plan Commission shall not approve a Design Waiver of any requirement, in whole or in part, of §SM: *Storm Water Standards* unless it makes findings based upon the evidence presented to it in each specific case that:
      - i. Meeting the minimum on-site storm water management requirements of §SM: *Storm Water Standards* is not feasible due to the natural or existing physical characteristics of a site;
      - ii. The proposed development is not likely to impair attainment of the objectives of §SM: *Storm Water Standards*, because at least one (1) of the following conditions applies:
        - [a] The Plan Commission has approved and required the implementation of alternative minimum storm water management practices for the on-site management of storm water; or
        - [b] The Plan Commission has approved and required the implementation of an in-place, off-site storm water management facility, which is designed and sized to provide a level of storm water control that is equal to or greater than that which would be afforded by on-site storm water management practices, and which has a legally obligated entity responsible for long-term operation and maintenance of the off-site storm water management facility; or
        - [c] Other storm water management practices that are adequate to reduce the generation of storm water runoff are provided at the site; and
      - iii. Provided that acceptable alternative storm water management mitigation measures are provided, the immediate downstream waterways will not be subject to:
        - [a] Deterioration of existing culverts, bridges, dams and other structures;
        - [b] Deterioration of biological functions or habitat;
        - [c] Accelerated streambed or stream bank erosion or siltation; and
        - [d] Increased threat of flood or other damage to the public health and safety, or to downstream.
- E. Permits and Procedures:
1. *Drainage Plan Approval Required:* Unless specifically exempted per §D(3): *Exceptions*, no person shall receive a Building Permit, Erosion Control Permit, Improvement Location Permit, Mineral Extraction Permit, or any other permit required for land-disturbing activities without first meeting the requirements of §SM: *Storm Water Standards* prior to commencing the proposed land-disturbing activity.
  2. Every development that is not exempt per §D(3): *Exceptions* shall submit the following information with the permit application form:
    - a. Drainage Concept Plan (described in §I: *Drainage Plan; Procedure and Approval; Contents of Plan*);
    - b. Maintenance Commitment; and
    - c. Nonrefundable Drainage Concept Plan review fee (this fee is based on the amount of land to be disturbed at the site; the fee structure shall be established by the Plan Commission).
- F. Storm Water Design Manual:
1. *Authority:* The Plan Commission may furnish additional storm water management policies, practices, criteria and information, including storm water management specifications and standards, for the proper implementation of the requirements of §SM: *Storm Water Standards*, in the form of a *Storm Water Design Manual*.
  2. *Content:* Such Storm Water Design Manual shall include a list of acceptable storm water management practices, including specific design criteria for each storm water management facility. The *Storm Water Design Manual* may be updated and expanded from time to time, at the discretion of the Plan Commission, based on improvements in engineering, science, monitoring, and local maintenance experience. Storm water management systems that are designed and constructed in accordance with the design criteria of the *Storm Water Design Manual* will be presumed to meet the minimum requirements of §SM: *Storm Water Standards*.

## Storm Water Standards (SM)

- G. Requirements: A storm water management system shall be provided to allow drainage of water runoff from all of the upstream drainage area and from all areas within the proposed subdivision to a place adequate to receive such runoff. Furthermore, a storm water management system shall be:
1. Designed and constructed in accordance with the *Storm Water Design Manual*.
  2. Durable, easily maintained, retard sedimentation, and retard erosion. A storm water management system shall not be designed in a way that would endanger the public health and safety, or cause significant damage to property.
  3. Sufficient to accept the water runoff from the site after development and the present water runoff from all areas upstream. Also, consideration shall be given to water runoff from future developments in undeveloped areas upstream which cannot reasonably be accommodated in the upstream area. The types of consideration should include, but need not be limited to, retention-detention facilities, over-sizing with fifteen-year law cost recovery, and the granting of adequate drainage easements for future construction. The type of future development shall be in accordance with the uses indicated in the Comprehensive Plan or the uses allowed by the current zoning district, whichever reflects the more intense use. The volume of water runoff attributable to future development that is not to be accommodated in the proposed storm water management facilities, shall be determined by good engineering practice, and may assume use of retention-detention facilities, except:
    - a. Parcels that are too small to effectively use retention-detention facilities; and
    - b. Parcels on which it is not technically and/or economically justifiable to use retention-detention facilities.
  4. Designed such that there will be no increase in the peak discharge runoff rate as a result of the proposed development unless the existing or improved downstream drainage facilities are adequate to accept:
    - a. The water runoff from the site after development;
    - b. The present water runoff from developed and undeveloped areas upstream; and
    - c. The present water runoff of downstream areas contributory to the downstream drainage facility beyond the limits of the site.
  5. Designed such that the low points of entry for residential, commercial and industrial structures are two (2) feet above the base flood elevation. In addition, avenues of ingress-egress shall also be above the base flood elevation.
  6. Inspected during construction by a professional engineer, or a land surveyor, registered in the State, at the expense of the petitioner and certified in accordance with this section. This is in addition to the inspection provided by the County.
- H. Basic Storm Water Management Design Criteria:
1. All storm water management systems shall be designed so that the specific storm frequency storage volumes (*e.g.* recharge, water quality, channel protection, storm events, *etc.*) as identified in the current *Storm Water Design Manual* are met, unless the Plan Commission grants the applicant a Design Waiver, or unless the project is exempt. In addition, if the physical conditions of the site warrant greater control than the requirements of §SM: *Storm Water Standards* addresses, the Plan Commission reserves the right to impose conditions of approval stipulating additional storm water management mitigation measures deemed necessary to control the volume, timing and rate of runoff.
  2. The storm water management practices and facilities for a site shall be chosen based on the physical conditions of the site, including the following factors:
    - a. Topography;
    - b. Maximum drainage area;
    - c. Depth to water table;
    - d. Soil types;
    - e. Slopes and terrain; and
    - f. Location in relation to environmentally-sensitive or other special features.

## Storm Water Standards (SM)

3. All storm water management systems shall be designed to convey storm water to allow for the maximum removal of pollutants, siltation, and reduction in flow velocities.
4. It is the purpose and intent of §SM: *Storm Water Standards* to require large developments to have storm sewers, and storm water conducted to a detention facility (where required), and then to an approved outfall.
5. All Drainage Plans shall accommodate the runoff that enters the site from other locations in the tributary watershed. The off-site runoff may be diverted around the site or accommodated directly in the design of the on-site storm water management facilities. In no event shall off-site runoff be blocked or restricted by the proposed development. When appropriate, the pass-through runoff shall be directed through the site detention facilities to provide downstream protection. When so required, the discharge or detention facilities shall be designed to accommodate the pass-through runoff.
6. *Operation and Maintenance Agreements*: All storm water management facilities shall have an enforceable Operation and Maintenance Agreement to ensure the systems function as designed. The Operation and Maintenance Agreement shall include any and all drainage easements required to access and inspect the storm water treatment facilities, and to perform routine maintenance as necessary to ensure continued proper functioning of the storm water treatment facilities. The Operation and Maintenance Agreement shall be a legally-binding covenant specifying the parties responsible for the proper maintenance of all storm water management facilities, and shall be secured as part of the approval process, or prior to issuance of any permits for land-disturbing activity.
7. *Drainage Easements*:
  - a. When a subdivision or other major development is traversed by a waterway, drainage way, channel or stream, there shall be dedicated an approved drainage easement conforming substantially to such watercourse, of such width and construction to be adequate for both continued drainage purposes and maintenance of same. When 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 storm water management facilities within the right-of-way, then perpetual unobstructed drainage easements at least twenty (20) feet wide shall be provided across the property; said drainage easements shall extend from the right-of-way to a natural watercourse or to other storm water management facilities, and shall be indicated on the recorded Secondary Plat or in a recorded drainage easement instrument (see §EA-01(C)(1): *Drainage Easement Instrument Specifications*).
  - c. When a proposed storm water management system will carry water across private land either inside or outside the development, appropriate drainage easements must be secured and indicated on the Secondary Plat or recorded in a drainage easement instrument (see §EA-01(C)(1): *Drainage Easement Instrument Specifications*).

## Storm Water Standards (SM)

8. *Public and Private Storm Water Management Systems:* During the course of the planning and design of the storm water management facilities, it shall be determined and documented whether the storm water management system is to be public or private.
  - a. Public storm water management facilities shall be maintained by the County after dedication to and acceptance by the County. Generally, public storm water management facilities shall be those in or under a public road, with road and storm water management system the responsibility of the County Highway Department, or regulated drains being the responsibility of the County Drainage Board.
  - b. Private storm water management facilities shall be privately maintained. Rear yard swales, ditches that convey storm water from individual lots, or development detention facilities constructed as storm water management measures for a development shall be private storm water management systems. Provisions shall be made for the maintenance of private storm water management systems. On an individual site, the owner shall maintain the storm water management system. In a development, a property owners association, or similar entity, shall be established to provide for said maintenance.
  - c. Recorded drainage easements shall be provided over all parts of public and private storm water management systems, and shall run to the public and to the County for purposes of maintaining the storm water management facilities located in the drainage easements. However, the establishment of said drainage easements shall in no manner obligate the County to maintain private storm water management systems but shall allow the County to enter and make temporary or emergency repairs to the storm water management system.
9. *Alternative Storm Water Management Mitigation Measures:* When the Plan Commission has approved a Design Waiver of a standard of §SM: *Storm Water Standards*, the Plan Commission may require that the petitioner satisfy the purposes and intent of §SM: *Storm Water Standards* by meeting one (1) or more of the alternative storm water management mitigation measures selected by the Plan Commission. Alternative storm water management mitigation measures may include, but are not limited to the following:
  - a. The purchase and donation of privately owned lands, or the grant of an open space conservation easement to be dedicated for preservation and/or reforestation. These lands should be located adjacent to an existing waterway in order to provide permanent buffer areas to protect water quality and aquatic habitat (The Plan Commission may initiate a County-sponsored rezone petition to place areas located in dedicated open space conservation easements in the WSO District);
  - b. The creation of a storm water management facility or other drainage improvements on previously developed properties, public or private, that currently lack storm water management facilities designed and constructed in accordance with the purposes and standards of §SM: *Storm Water Standards*;
  - c. Monetary fees-in-lieu to fund storm water management-related projects or studies, including regional wetland delineation studies, stream monitoring for water quality, stream flow monitoring, and threatened/endangered species studies;
  - d. An agreement for the granting of a drainage easement or dedication of land by the applicant, to be used for the construction of an off-site storm water management facility. Said agreement shall be entered into by the applicant prior to the recording of plats, or, if no record plat is required, prior to the issuance of the permit.

# Storm Water Standards (SM)

## I. Drainage Plan; Procedure and Approval; Contents of Plan:

### 1. *Preparer:*

- a. Three Acres or Less: For sites three (3) acres or less, Drainage Plans and calculations shall be prepared by a registered professional engineer, registered land surveyor, architect, or landscape architect licensed to practice in the State of Indiana.
- b. Over Three Acres: For sites over three (3) acres in size, or with unique and/or sensitive drainage issues, Drainage Plans shall be prepared, signed and sealed by a registered professional engineer or registered land surveyor.

### 2. *Individual One- and Two-unit Sites:* The Drainage Plan may be shown on a sketch prepared by the applicant. The Drainage Plan should be drawn as accurately as possible and clearly show all the storm water control measures proposed for the site. Arrows may be used to show the direction of surface flow. Location of swales, down spouts, sump pump discharges, and other storm water flow should be shown, with their direction of flow. Specific elevations may be requested by the Plan Commission.

### 3. *Subdivisions, Multiple-family Residential, Commercial, Industrial and PUD Sites:*

- a. Drainage Concept Plan: No application for development will be approved unless it includes a Drainage Plan detailing *in concept* how runoff and associated water quality impacts resulting from the development will be controlled or managed.
  - i. The Drainage Concept Plan shall include sufficient information (*e.g.* maps, hydrologic calculations, *etc.*) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site on the water resources, and the effectiveness and acceptability of the proposed storm water management measures.
  - ii. The intent of this conceptual planning process is to initially determine the type of storm water management measures necessary for the proposed project, and to ensure adequate planning for runoff.
  - iii. The following information shall be included in the Drainage Concept Plan, and is set forth on a checklist included in the Storm Water Design Manual:
    - [a] Maps indicating the location of existing and proposed buildings, roads, easements, parking areas, utilities, storm water management facilities and erosion and sediment control facilities;
    - [b] Maps should show proposed land use, with tabulation of the percentage of surface area to be used for various uses, pervious and impervious surface, drainage patterns, and limits of clearing and grading, along with a description of the proposed changes in natural conditions.
    - [c] Sufficient engineering analysis to show that the proposed storm water management measures are capable of controlling the runoff in compliance with §SM: *Storm Water Standards*;
    - [d] An inventory of the natural resources at the site and surrounding area, existing prior to the commencement of the project, and a description of the watershed and its relation to the project site. The description should contain information including soil conditions, forest cover, topography, wetlands, and native vegetative areas on the site;
    - [e] A written description of the long-term provisions for maintenance;
    - [f] Initial drainage calculations shall be provided for the analysis of existing drainage courses, the design of any proposed drainage course, detention/retention facilities, and discharge control structures. Said calculations shall be thorough enough to allow a reasonable analysis of the expected impact by the development on the site itself as well as the properties downstream.

## Storm Water Standards (SM)

- b. Final Drainage Plan: After review of the Drainage Concept Plan, and modifications to the Drainage Concept Plan as deemed necessary, a final Drainage Plan must be submitted to the Plan Commission Office for approval prior to the commencement of land-disturbing activity. In addition to the information from the Drainage Concept Plan, the final Drainage Plan shall include all of the information required in the Storm Water Design Manual.
  - c. As-built Plan: Applicants are required to submit actual “As-built” Plans for any storm water management facilities or drainage easements located on-site after final construction is complete. The As-built Plan must show the final measurements compared with design specifications for all storm water management facilities and must be certified by an Indiana Professional Engineer or Indiana Professional Land Surveyor. A final inspection by the Plan Commission is required before the release of any performance sureties can occur.
  - d. Independent Engineer: The Plan Commission staff may forward an application for subdivisions, Multiple Unit Residential, Commercial, Industrial and PUD Sites to an Indiana State licensed professional engineer of the Plan Commission selection to review the conceptual plan, final storm water management plan and as built plans as described in §SM-01(I)(3)(a), §SM-01(I)(3)(b) and §SM-01(I)(3)(c) of this section. Payment of the Indiana State licensed professional engineer shall be made by the applicant prior to the hearing date scheduled; if payment is not made the petition will be continued until the next Plan Commission hearing date. Said fee will be set on the Building Planning and Zoning Fee Schedule.
- J. Surety: The Plan Commission may require additional security or surety for installation of all storm water management facilities required under §SM: *Storm Water Standards* (see also *Chapter 10*; §*Surety Standards*).
- K. Maintenance Easements and Covenants:
- 1. For those parts of a storm water management system that the County Drainage Board has not accepted as a regulated drain, and prior to the issuance of any permit that has a storm water management facility as one (1) of the requirements of the permit, the applicant or owner of the site must execute a Maintenance Easement Agreement that shall be binding on all subsequent owners of land served by the storm water management facility. The Maintenance Easement Agreement shall provide for access to the storm water management facility at reasonable times for periodic inspection by the Plan Commission, and for regular or special assessments of property owners to ensure that the storm water management facility is maintained in proper working condition to meet design standards and any other provisions established by §SM: *Storm Water Standards*. The form of the Maintenance Easement Agreement shall be approved by the Plan Commission Attorney and recorded.
  - 2. Maintenance of all storm water management facilities shall be ensured through the creation of a formal Maintenance Covenant that includes the right of entry for inspection. This must be approved by the Plan Commission and recorded with the land prior to final plan approval.
  - 3. In lieu of a Maintenance Covenant, the Plan Commission at its sole discretion may recommend acceptance and dedication to the County of any storm water management facility for maintenance, provided such storm water management facility meets all the requirements of §SM: *Storm Water Standards*, and includes adequate access and area, by drainage easement or otherwise, for inspection and maintenance.
  - 4. Inspection of storm water management facilities may be done by the Plan Commission from time to time on any reasonable basis, including routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, or areas identified with greater than typical sources of sediment, contaminants or pollutants. Inspections may include, but are not limited to: review of maintenance and repair records, sampling of discharge from surface or ground water, and evaluating the condition of storm water management facilities.

# Street and Right-of-way Standards (SR)

## 7.29 SR-01: Street and Right-of-way Standards; Residential

This Street and Right-of-way Standards section applies to the following types of development:



- A. **General:** All developments submitted for Plan Commission approval shall allocate adequate areas for new streets in conformity with the Unified Development Ordinance, Comprehensive Plan, and Thoroughfare Plan.
- B. **Private Streets:** Private streets are not permitted, but where they exist shall conform to all street and right-of-way standards within the Unified Development Ordinance. The only difference shall be that private streets shall be located in common areas, rather than rights-of-way. When the term right-of-way is used in this section, it shall also apply to private street easements.
- C. **Design Principles:**
  1. *General:* Streets shall be laid out on the parent tract:
    - a. In an orderly and logical manner;
    - b. With concern for connectivity to adjacent parcels;
    - c. With concern for pedestrian and vehicular safety; and
    - d. To provide reasonably direct access to the primary circulation system.
  2. *Topographical Consideration:* Streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
  3. *Maximum Design Speed:* Twenty-five (25) miles per hour.
  4. *Connectivity:* All developments shall provide stub streets to connect to adjacent properties.
    - a. Where the development abuts undeveloped land, stub streets may be proposed by the petitioner. However, the final number and location of stub streets shall be determined by the Executive Director and concurred with by the County Engineer.
    - b. Where the development abuts land that has established stub streets, built or platted, the petitioner shall design the street system to connect to those stub streets.
    - c. As a general rule, each side of the development that does not border on a public street shall have at least one (1) stub street. In large developments, two (2) or more stub streets may be determined necessary to provide adequate connectivity to developed or undeveloped abutting properties.
    - d. Subdivisions are required to have more than one (1) entrance. The Plan Commission may grant a Design Waiver of this requirement based on analysis of a number of factors, including:
      - i. A small number of homes;
      - ii. Alternative access for emergency use;
      - iii. Boulevard-type entrance that provides access in the event of blockage by emergency vehicles;
      - iv. Configuration of the property making multiple entrances unnecessary or unreasonable.
    - e. Regard shall be given to the Thoroughfare Plan and Comprehensive Plan.
  5. *Stub Streets:* Stub streets shall be constructed at the same time the other streets are built within the development. Temporary turnaround easements shall be established pursuant to *Chapter 07; §EA-01(H): Temporary Turnaround Easements* to provide for turnarounds, but they shall be released to the neighboring properties when the reciprocal stub street is constructed. Further, a permanent sign shall be installed at the terminus of the stub street stating clearly that it will eventually go through to a future development.
  6. *Gated Entrances:*
    - a. *Emergency Access:* Gated development entrances shall have apparatus installed such that emergency vehicles (*i.e.* fire, police and ambulance) can quickly and easily gain access to the development.
    - b. *Dimensional Requirement:* The gates shall be sized to allow the largest fire truck in service in the County to enter the development.
    - c. *Turnaround:* The entrance drive outside the gate shall be designed to allow vehicles the ability to turn around prior to reentering the right-of-way without having to back into the right-of-way.
  7. *Boulevard Entrances:* All residential developments shall have a boulevard entrance extending at least fifty (50) feet from the perimeter street's right-of-way.

## Street and Right-of-way Standards (SR)

8. *Intersections*: All intersections of two (2) streets shall be within fifteen degrees (15°) of perpendicular as measured at the street centerlines. Intersections of more than two (2) streets at one point shall not be permitted. Local street intersection with center line offsets of less than one hundred fifty (150) feet shall not be permitted.
  9. *Right-of-way Width*: The minimum right-of-way width shall be:
    - a. Subdivision: As indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*;
    - b. Planned Unit Development: As indicated in *Chapter 04: Planned Unit Developments*;
    - c. Unspecified: If not indicated, the County Engineer shall utilize the Thoroughfare Plan to determine the appropriate width for each development.
  10. *Street Width*: The minimum street pavement width shall be:
    - a. Subdivision: As indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*;
    - b. Planned Unit Development: As indicated in *Chapter 04: Planned Unit Developments*;
    - c. Unspecified: If not indicated, the County Engineer shall utilize the Thoroughfare Plan to determine the appropriate width for each development. Street width shall be determined by measuring from back of curb to back of curb.
  11. *Curb Type*: Rolled or ribbon curbs are permitted.
  12. *Block Length*: The maximum block length shall be:
    - a. Subdivision: As indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*;
    - b. Planned Unit Development: As indicated in *Chapter 04: Planned Unit Developments*;
    - c. Unspecified: If not indicated, the County Engineer shall utilize the Thoroughfare Plan to determine the appropriate maximum length.
  13. *Cul-de-sac Length*: The maximum cul-de-sac length shall be:
    - a. Subdivision: As indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*;
    - b. Planned Unit Development: As indicated in *Chapter 04: Planned Unit Developments*;
    - c. Unspecified: If not indicated, the County Engineer shall utilize the Thoroughfare Plan to determine the appropriate maximum length.
  14. *Cul-de-sac Terminus*: The terminus of each cul-de-sac shall be a round bulb, large enough to accommodate the largest fire truck in service within the County to turn around.
  15. *Permanent Dead-end Streets*: Dead-end streets are prohibited. Dead-end streets do not include cul-de-sacs or stub streets.
  16. *Temporary Dead-end Streets*: A temporarily dead-ended street shall be permitted in any case in which a street is proposed to be and should logically be extended but is not yet constructed. Where such dead-end streets extend one hundred fifty (150) feet or more in length, turnarounds shall be located within temporary turnaround easements established pursuant to *Chapter 07; §EA-01(H): Temporary Turnaround Easement*.
  17. *Eyebrows*: Eyebrow street designs shall be constructed for one-way traffic and shall have an island in the middle which contains a sidewalk for pedestrians to efficiently and safely travel on the pedestrian network.
  18. *Half-width Streets*: Half-width streets are not permitted.
- D. **Dedication of Right-of-way**: In developments that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established in the Thoroughfare Plan, the petitioner shall dedicate additional width along either one or both sides of such streets in order to bring them up to standards, provided the area to be used for widening is owned by the petitioner or under his control.
- E. **Construction and Installation Standards**: All street improvements, private or public, are to be designed, constructed and installed per the *General and Detailed Specifications*.

# Street and Right-of-way Standards (SR)

## 7.30 SR-02: Street and Right-of-way Standards; Minimal Bump-out

This Street and Right-of-way Standards section applies to the following types of development:



- A. **General:** Residential developments that utilize a curvilinear street pattern shall install bump-outs at least thirty percent (30%) of the internal street intersections. For example, if there are ten (10) internal intersections, three (3) shall have bump-outs installed. This provision shall apply to all internal public or private streets.
- B. **Configuration:**
  1. *Projection from Curb Line:* The bump-out shall be designed to extend seven (7) feet from the curb line.
  2. *Curb:* The bump-out shall use a straight curb to define its edge to provide a better barrier to protect pedestrians and to calm traffic approaching the intersection.
  3. *Use of Bump-outs:* A bump-out shall be used on each side of the road that has on-street parking. Cul-de-sacs with on-street parking are exempt from this bump-out requirement.
- C. **Prioritizing of Intersections:** The following criteria shall be used to determine which intersections within the development shall utilize bump-outs.
  1. Intersections where four (4) or more legs are through-streets shall be the first priority sites for bump-outs.
  2. Intersections where three (3) legs are through-streets shall be the second priority sites for bump-outs.
  3. Intersections where two (2) legs are through streets shall be the third priority.
  4. Each of the above listed types of intersection shall also be ranked based on their proximity to a development entrance. The closer an intersection is to an entrance, the more priority that intersection shall be given.
  5. Each of the above listed types of intersection shall also be ranked based on the vehicular traffic volume. The higher the expected vehicular traffic volume, the more priority each intersection shall be given.

## 7.31 SR-03: Street and Right-of-way Standards; Significant Bump-out

This Street and Right-of-way Standards section applies to the following types of development:



- A. **General:** Residential developments that utilize a traditional neighborhood or village center pattern of streets shall install bump-outs at least fifty percent (50%) of the internal street intersections. For example, if there are ten (10) internal intersections, five (5) of them shall have bump-outs installed. This provision shall apply to all internal public or private streets.
- B. **Configuration:**
  1. *Projection from Curb Line:* The bump-out shall be designed to extend seven (7) feet from the curb line.
  2. *Curb:* The bump-out shall use a straight curb to define its edge to provide a better barrier to protect pedestrians and to calm traffic approaching the intersection.
  3. *Use of Bump-outs:* A bump-out shall be used on each side of the road that has on-street parking. Cul-de-sacs with on-street parking are exempt from this bump-out requirement.
- C. **Prioritizing of Intersections:** The following criteria shall be used to determine which intersections within the development shall utilize bump-outs.
  1. Intersections where four (4) or more legs are through-streets shall be the first priority sites for bump-outs.
  2. Intersections where three (3) legs are through-streets shall be the second priority sites for bump-outs.
  3. Intersections where two (2) legs are through streets shall be the third priority.
  4. Each of the above listed types of intersection shall also be ranked based on their proximity to a development entrance. The closer an intersection is to an entrance, the more priority that intersection shall be given.
  5. Each of the above listed types of intersection shall also be ranked based on the vehicular traffic volume. The higher the expected vehicular traffic volume, the more priority each intersection shall be given.

# Street and Right-of-way Standards (SR)

## 7.32 SR-04: Street and Right-of-way Standards; Commercial and Industrial

This Street and Right-of-way Standards section applies to the following types of development:



- A. **General:** All developments submitted for Plan Commission approval shall allocate adequate areas for new streets in conformity with the Unified Development Ordinance, Comprehensive Plan, and Thoroughfare Plan.
- B. **Private Streets:** Private streets are permitted, but must conform to all street and right-of-way standards within the Unified Development Ordinance. The only difference shall be that private streets have easements, rather than rights-of-way. When the term right-of-way is used in this section, it shall be applied to private street easements.
- C. **Street Design Principles:**
  1. **General Street Layout:** Streets shall be laid out on the parent tract:
    - a. In an orderly and logical manner;
    - b. With concern for connectivity to adjacent parcels;
    - c. With concern for pedestrian and vehicular safety; and
    - d. To provide reasonably direct access to the primary circulation system.
  2. Streets shall be adjusted to the contour of the land so as to produce usable development sites and streets of reasonable gradient.
  3. **Design Speed:** The maximum design speed shall be:
    - a. Subdivision: As indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*;
    - b. Planned Unit Development: As indicated in *Chapter 04: Planned Unit Developments*;
    - c. Site Plan: Twenty-five (25) miles per hour.
  4. **Connectivity:** All developments shall provide stub streets to connect to adjacent properties.
    - a. Where the development abuts undeveloped land, stub streets may be proposed by the petitioner. However, the final number and location of stub streets shall be determined by the Executive Director and concurred with by the County Engineer.
    - b. Where the development abuts land that has established stub streets, built or platted, the petitioner shall design the street system to connect to those stub streets.
    - c. As a general rule, each side of the development that does not border on a public street shall have at least one (1) stub street. In large developments, two (2) stub streets may be determined necessary to provide adequate connectivity to developed or undeveloped abutting properties.
    - d. Regard shall be given to the Thoroughfare Plan and Comprehensive Plan.
  5. **Stub Streets:** Stub streets shall be constructed at the same time the other streets are built within the development. Temporary turnaround easements shall be established pursuant to *Chapter 07; §EA-01(H): Temporary Turnaround Easement* to provide for turnarounds, but they shall be released to the neighboring properties when the reciprocal stub street is constructed. Further, a sign shall be installed at the terminus of the stub street stating clearly that it will eventually go through to a future development. This sign shall be removed upon the connecting stub street's construction.
  6. **Boulevard Entrances:** All commercial developments shall have a boulevard entrance extending at least fifty (50) feet from the perimeter street's right-of-way. The width of the center grass plot shall be a minimum of ten (10) feet.
  7. **Intersections:** All intersections of two (2) streets shall be within fifteen degrees (15°) of perpendicular as measured at the street centerlines. Intersections of more than two (2) streets at one point shall not be permitted. Internal street intersection with center line offsets of less than one hundred twenty-five (125) feet shall not be permitted.

# Street and Right-of-way Standards (SR)

8. *Right-of-way Width*: The minimum right-of-way width shall be:
  - a. Subdivision: As indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*;
  - b. Planned Unit Development: As indicated in *Chapter 04: Planned Unit Developments*;
  - c. Unspecified: If not indicated, the County Engineer shall utilize the Thoroughfare Plan to determine the appropriate width for each development.
9. *Street Width*: The minimum street pavement width shall be:
  - a. Subdivision: As indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*;
  - b. Planned Unit Development: As indicated in *Chapter 04: Planned Unit Developments*;
  - c. Unspecified: If not indicated, the County Engineer shall utilize the Thoroughfare Plan to determine the appropriate width for each development. Street width shall be determined by measuring from back of curb to back of curb.
10. *Curb Type*: Rolled or ribbon curbs are required.
11. *Block Length*: The maximum block length shall be:
  - a. Subdivision: as indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*;
  - b. Planned Unit Development: As indicated in *Chapter 04: Planned Unit Developments*;
  - c. Unspecified: If not indicated, the County Engineer shall utilize the Thoroughfare Plan to determine the appropriate maximum length.
12. *Cul-de-sac Length*: Cul-de-sacs shall not be permitted.
13. *Cul-de-sac Terminus*: Cul-de-sacs shall not be permitted.
14. *Permanent Dead-end Streets*: Dead-end streets shall not be permitted.
15. *Eyebrows*: Eyebrow streets shall not be permitted.
16. *Half-width Streets*: Half-width streets shall not be permitted.
17. *On-street Parking*:
  - a. General: All commercial and industrial developments (or commercial areas within a mixed use development) that install private streets or streets that will be dedicated to the County and have on-street parking shall meet the standards within this section. For off-street parking requirements, see *Chapter 05; §PK: Parking Standards*. On-street parking does not count toward the minimum off-street parking required per *Chapter 05; §PK: Parking Standards*.
  - b. Requirements:
    - i. Striping: All on-street parking installed in commercial or industrial areas shall be striped to indicate each parking space. Stripes shall be perpendicular to the curb, be at least seven (7) feet long, and be spaced at least twenty (20) feet apart. No parking spaces shall be placed within fifty (50) feet of an intersection.
    - ii. No Parking Signs: If parking is only allowed on one (1) side, then the other side of the street shall have a sign at least every one hundred fifty (150) feet noting parking is not permitted.
  - c. Dedication of Right-of-way: In developments that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established by the Thoroughfare Plan, the petitioner shall dedicate additional width along either one (1) or both sides or such streets of inadequate width so as to bring them up to standards, provided the area to be used for widening is owned by the petitioner or under his control.
  - d. Construction and Installation Standards: All street improvements, private or public, are to be designed, constructed and installed per the *General and Detailed Specifications*.

## Street Lighting Standards (SL)

### 7.33 SL-01: Street Lighting Standards; Residential

This Street Lighting Standards section applies to the following types of development:



- A. **General:** A Lighting Plan showing street lighting shall be presented to the Plan Commission for approval as part of the project submittal. The petitioner shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety at all intersections within the development, consistent with the County Engineer's guidelines. Full cutoff luminaires shall be used.
- C. **Entrances:** The petitioner shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety. Luminaries shall be shielded to prevent glare in these sensitive areas.

### 7.34 SL-02: Street Lighting Standards; Commercial

This Street Lighting Standards section applies to the following type of development:



- A. **General:** The petitioner shall install, or cause to be installed, street lights at all intersections and development entrances as required by the provisions of this section. A Lighting Plan showing street lighting shall be presented to the Plan Commission for approval as part of the project submittal.
- B. **Intersections:** The petitioner shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety at all intersections within the development, consistent with the *General and Detailed Specifications*. Fixtures installed in these areas shall not exceed twenty (20) feet in height. Full cutoff or semi-cutoff luminaires shall be used.
- C. **Intersection Administrative Waivers:** The Executive Director with a concurring recommendation from County Engineer may reduce the number of intersections required to have street lighting. Under no circumstances shall the major intersections (intersections involving collector streets) within the development be waived from the requirements by the Executive Director.

# Street Name Standards (SN)

## 7.35 SN-01: Street Name Standards; General

This Street Name Standards section applies to the following types of development:



- A. **Proposed Street Name:** The petitioner shall propose a unique name for each street within the development at the time of initial application.
- B. **Standards:** Within the jurisdiction of the Unified Development Ordinance and within the jurisdiction of the E-911 Coordinator the following standards shall apply:
  1. Streets which are extensions or continuations of, or obviously in alignment with, any existing streets, either constructed or appearing on any validly recorded plat or survey, or valid plat previously approved by the Plan Commission, shall bear the names of such existing streets.
  2. The root street name (*e.g.* Maple) shall not duplicate or be phonetically similar to any existing street name. The only exception to this rule is if a new street is the continuation of an existing street, in which case, the new street shall have the exact same name as the existing street.
  3. Deviations in suffix names (*e.g.* Street, Court, or Avenue) shall not constitute a unique name. Therefore, if Maple Street existed, the name Maple Court shall not be permissible.
  4. Street numbers for all lots shall be assigned by the Executive Director in consultation with the E-911 Coordinator.
- C. **Authority to Rename a Proposed Street:**
  1. *Similarity:* The Plan Commission or E-911 Coordinator shall have the authority to require the petitioner to propose a new name for any street if the proposed name is found to be too similar to another street name within Porter County, regardless of planning jurisdiction.
  2. *Suitability:* The Plan Commission or E-911 Coordinator shall have authority to require a new unique name for a street if the proposed name is found to be obscene, lewd, derogatory, or defamatory.
  3. *Plan Commission:* If a new name is not proposed by the petitioner, the Plan Commission shall have the right to rename the street prior to final approval.

# Street Sign Standards (SS)

## 7.36 SS-01: Street Sign Standards; General

This Street Sign Standards section applies to the following types of development:



- A. **General:** Each street within a residential, commercial, or industrial development shall have signs necessary to:
1. Provide a safe environment for drivers and pedestrians; and
  2. Provide information so that a visitor can efficiently find a certain street, address, or development amenity.
- B. **County's Responsibilities:** The County's engineering policies and the *Indiana Manual on Uniform Traffic Control Devices for Streets and Highways* (current version adopted by INDOT) shall be used to determine the type, size, height and location of each of these signs. Each sign's location and height shall be communicated to the petitioner at the time they are received by the petitioner.
- C. **Petitioner's Responsibilities:**
1. *Public Safety Related Street Signs:* The petitioner shall be required to install the public safety related street signs prior to any street being opened to public. These signs shall be installed in the location and to the height determined by the County Engineer.
  2. *Street Name Signs:* The petitioner shall install a minimum of one (1) street name sign at each street intersection within the subdivision and on all perimeter intersections. At least one (1) sign shall be set on the most conspicuous corner of the intersections, at a point approximately six (6) inches from the sidewalk intersection (on the street side).
  3. *Way-finding/Directional Signs:* The petitioner shall provide for review all proposed way-finding and directional signs along internal roads for consideration. Each sign's design, size and proposed location shall be submitted. These signs shall meet the below described design standards.
  4. *Multifamily Building or Development Amenity Identification:* The petitioner shall provide for review all proposed signs to be used for building identification. These sign shall meet the below listed design standards.
  5. *Installation:* The petitioner is responsible for purchasing and installing all public safety related street signs in consultation with the County Engineering Department.
  6. *Temporary Signage during Construction:* Temporary signs for street name, address, and/or regulatory signs may be required by the Executive Director for public safety reasons.
- D. **Internal Way-finding/Directional Signs:**
1. *Prerequisites:* The development shall have an amenity that necessitates a way-finding or directional sign.
  2. *Maximum Number of Signs:* The minimum number of signs necessary to locate the amenity shall be allowed to provide directional assistance for drivers to find any single development amenity. If deemed unnecessary by the Plan Commission due to the conspicuousness of the development amenity, no way-finding or directional sign shall be permitted.
  3. *Maximum Sign Area:* Three (3) square feet.
  4. *Location:*
    - a. *Within the Right-of-way:* With the consent of the County Highway Department, stand-alone way-finding or directional signs may be located within the right-of-way. Such signs shall meet or exceed the minimum standards for public traffic signage. However, the maintenance of stand-alone way-finding or directional signs shall not be the responsibility of the County Highway Department. Stand-alone way-finding or directional signs shall not be located within a vision clearance triangle (See *Chapter 05; §VC: Vision Clearance Standards*) or within one (1) foot of any asphalt or concrete surface; nor within five (5) feet of any tree.
    - b. *Outside the Right-of-way:* Way-finding or directional signs shall not be located within a vision clearance triangle (see *Chapter 05; §VC: Vision Clearance Standards*) or within one (1) foot of any asphalt or concrete surface; nor within five (5) feet of any tree.
  5. *Maximum Height:* Any way-finding or directional sign shall not exceed five (5) feet in height above ground level.

# Surety Standards (SY)

## 7.37 SY-01: Surety Standards; General

This Surety Standards section applies to the following types of development:



### A. Construction Surety Standards:

1. *Cross-reference:* See *Chapter 10; §Surety Standards* for construction surety procedures.
2. *General:* All petitioners shall provide a performance surety to the County for any street, sidewalk, utility, drainage facility, lighting, or any other facility that is intended or will be dedicated to the County. All such facilities on-site, any off-site improvements committed by the petitioner, and any off-site improvements required as a condition of approval shall be covered by the performance surety.
3. Duration: All performance sureties shall be effective from approval to begin construction of the project until the date the improvement has been dedicated to the County and a Maintenance Surety has been accepted.

### B. Maintenance Surety Standards:

1. *Cross-reference:* See *Chapter 10; §Surety Standards* for maintenance surety procedures.
2. *General:* The petitioner shall provide a maintenance surety to the County for any street, sidewalk, utility, drainage facility, lighting, or any other facility that has been dedicated to the County. All such facilities on-site, any off-site improvements to which the petitioner has committed, and any off-site improvements required as a condition of approval shall be covered by the maintenance surety.

# Utility Standards (UT)

## 7.38 UT-01: Utility Standards; General

This Utility Standards section applies to the following types of development:



### A. Sanitary Sewer Standards:

1. *General:*
  - a. **Zoning Districts that Require Sewers:** In zoning districts that require the installation of sanitary sewers, the sewers shall be tied into the community-wide system per the County Engineer and constructed within the street rights-of-way or within other dedicated sewer or utility easements.
  - b. **Zoning Districts that do not Require Sewers:** On-site waste treatment systems shall only be considered for development if:
    - i. the base zoning district allows on-site waste treatment systems (i.e. septic systems), and
    - ii. the cumulative cost to install sanitary sewers to each lot or unit is as least two times (2X) the cumulative cost of installing the necessary one (1) or more on-site waste treatment systems to serve the same lot(s) or unit(s). The calculations for this determination shall be conducted by a licensed engineer. A development with five (5) or less lots shall be exempt from the two times (2X) rule.
2. *Permission:* The petitioner shall obtain a letter from the community-wide treatment facility verifying the facility has the capacity to service the proposed development.
3. *Location:*
  - a. **Outside the Right-of-way:** Unless the sanitary sewer utility requires larger, sanitary sewers located outside the right-of-way shall be installed in a twenty-foot (20') wide, dedicated sanitary sewer easement.
  - b. **Within the Right-of-way:** Sanitary sewers located within the right-of-way shall be installed between the edge of pavement or back of curb and the right-of-way line. Except where the sanitary sewer passes under the street to reach the opposite side of the right-of-way, sanitary sewers shall not be installed under the street pavement.

### B. Water Service Standards:

1. *General:* All developments submitted to the Plan Commission for approval, under the provisions of *Chapter 07: Subdivision, Development Plan and PUD Design Standards*, shall provide for the installation of a complete potable water and fire protection distribution system.
2. *Private/Semipublic Systems:* Should the petitioner wish to install individual wells for the potable water supplies on a per-lot basis, the petitioner shall demonstrate that:
  - a. The cost of connecting to the public water system is prohibitive. This does not mean to show that it costs more than a private well system, but that the resulting cost would make the project unfeasible. The cost difference shall exceed two hundred percent (200%) before the Plan Commission shall make any consideration of private systems.
  - b. Further, the Plan Commission shall retain the authority to waive all considerations and only approve the installation of the public water supply system.
3. *Private Wells:* Private wells and water systems shall be approved by the County Health Department, and be constructed in accordance with the rules, regulations and approval of the Indiana State Board of Health. The Plan Commission may require that the petitioner demonstrate that adequate water supplies are available by test drilling and providing a report prepared by a certified ground water hydrologist:
  - a. The scope of the testing and report shall be determined by the hydrologist and the County Health Department.
  - b. The report shall specify the type of well to be constructed, the approximate depth, and expected quantity of water available for the area, consideration being given to the proposed density of the project and/or demand placed upon the aquifer.
4. *Extension of Public Water Supplies:* The extension of public water supplies and distribution systems shall be made at the sole expense of the petitioner. The Construction Plans shall be approved by the Indiana State Board of Health and shall be on file with the Executive Director prior to the start of construction.

## Utility Standards (UT)

5. *Coordination of Installation:* The petitioner shall be responsible for coordinating the installation of the water system with other utilities. Conflicts with prior constructed utilities and damage to them shall not be allowed, the work shall be stopped, and damages repaired before allowing the work to continue.
  6. *Limitations:* No Improvement Location Permit or Building Permit for construction of a single-family detached dwelling or a two-family dwelling shall be allowed in a subdivision until all street infrastructure and the sanitary sewer or septic system have been installed and released by the County Health Department. This shall be determined by a statement in writing from the utility to the Executive Director.
- C. Construction Standards for Utilities: All utility improvements, private or public (to be dedicated) are to be designed and installed per the *General and Detailed Specifications*.
- D. Engineering Feasibility Report: The developer shall submit copies of a feasibility report covering sewage and potable water facilities to serve the development, including, but not limited to, the following:
1. *Existing System:* If the developer proposes to connect to a public or private sewer and/or water supply system, documentation from the utility shall be submitted indicating the ability and capacity of the utility to serve the development. However, if the developer does not propose to connect to a public or private sewer and/or water supply system, a statement on the feasibility of a connection shall be made which shall include the distance from the nearest public sewer and water mains, the capacity of the existing systems intended to handle the additional load and the estimated cost for such connection.
  2. *Non-municipal:*
    - a. If the connection to an existing sewer or water system is not feasible, the feasibility of constructing a public on-site sewage and water system shall be reviewed. The statement shall give consideration to treatment works, receiving streams, lagoons and public on-site water supplies and their estimated costs, all in conformance to State laws, rules and regulations.
    - b. If private septic systems are proposed, the application or petition shall not be accepted unless an advisory report from the County Health Department accompanies the submittal:
      - i. If the Development Advisory Committee's report is favorable and the Plan Commission Office finds that the development has been prepared in accordance with the terms of the Unified Development Ordinance, the developer shall provide the Executive Director two (2) copies of the revised plans, the Development Advisory Committee (DAC) report, and the County Health Department advisory report at least twenty (20) days prior to the next regular meeting of the approval body. The developer shall provide one (1) copy of the revised plans, the DAC report, and the County Health Department advisory report to each member of the approval body at least ten (10) days prior to the meeting.
      - ii. All proposed septic systems must:
        - [a] Have County Health Department approval prior to final approval of the plans; or
        - [b] Meet the requirements of the County Health Board; or
        - [c] Have approval from the State regulatory agency involved.
      - iii. The Plan Commission is not bound by the recommendations of the County Health Department advisory report, and may request additional information regarding suitability of soils for septic systems.

