

SUBDIVISION CONTROL ORDINANCE
FOR THE
TOWN OF DILLSBORO
INDIANA



2019

Acknowledgements

Town Council Members:

Mary Lou Powers

David "Woody" Fryman

Casey Finnegan

Andy Seaver

Tom Wafford

Town Plan Commission Members:

Brian Murray

Mary Lou Powers

Janice Sullivan

Mike Heffelmire

Dave Williams

Richard Federmann

Andy Seaver

Staff:

Doug Rump, Town Manager

Mark McCormack, Director of Planning & Zoning

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ARTICLE 1

PURPOSE AND AUTHORITY

SECTION 100 – Title

These regulations shall be known, and may be cited, as the Subdivision Control Ordinance of the Town of Dillsboro, Indiana.

SECTION 105 – Authority

Indiana Code 36-7-4-700, et. seq., as amended, establishes the authority for the Town of Dillsboro to adopt regulations governing plats and subdivision of land within its jurisdiction.

SECTION 110 - Purpose

The purpose of this Ordinance is to ensure the following:

1. To assist the orderly and efficient development of the Town of Dillsboro;
2. To provide for the coordination of new thoroughfares with existing and planned thoroughfares;
3. To secure and provide for the proper arrangement of streets or other highways in relation to existing or planned streets or highways or to the Town Comprehensive Plan;
4. To protect and provide for the public health, safety, and general welfare of the Town;
5. To ensure the coordination with, and extension of, community facilities and utilities;
6. To ensure proper legal descriptions and monumenting of subdivided land;
7. To help safeguard against the pollution of air, and waterways; to help assure the adequacy of drainage facilities; to help safeguard the water table; and to encourage the wise use and management of natural resources throughout the Town;
8. To secure equitable handling of all Subdivision plans by providing uniform procedures and standards;
9. To establish procedures for the division of land in accordance with the requirements of the Town of Dillsboro Zoning Ordinance.

SECTION 115 - Jurisdiction

This Ordinance shall apply to all land within the Town of Dillsboro.

SECTION 120 - Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Town, under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the Town except as shall be expressly provided for in these regulations.

SECTION 130 – Interpretation

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

SECTION 135 – Conflict

The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

SECTION 140 – Separability

Should any section or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 145 – Conditions

The attachment of reasonable conditions to the subdividing of land is an exercise of valid police power delegated by the State of Indiana to the Town of Dillsboro. However, conditions imposed by the Commission must be supported and permitted by this Ordinance. Conditions that are not requirements of this Ordinance shall not be permitted by the Commission. The Subdivider has the duty of compliance with reasonable conditions as provided in this Ordinance and as set forth by the Commission for design, dedication, improvement, and restrictive use of the land. The failure to comply with such conditions may be cause for denial of the submitted application and shall, if such failure occurs after Secondary Approval, constitute a violation of the Ordinance.

SECTION 150 - Enforcement

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully, and accurately, state the causes and basis of the alleged violation, and be filed with the Planning Director or his designee. The Planning Director or his designee shall investigate the complaint in a timely manner (generally within one to two weeks) and, if warranted, take action thereon as provided by this Ordinance. Any person filing a written complaint shall be notified in writing by the Planning Director or his designee of the action taken and/or status of such complaint.

If the Planning Director determines that a violation exists, the Planning Director or his designee shall issue a written notice to the person(s) responsible for the alleged violation, by certified mail. The notice shall describe the details of the alleged violation and the basis for the violation. The notice shall also require an explanation, or correction, of the alleged violation to the satisfaction of the Planning Director or his designee, within a specified time limit, which is to be determined by the Planning Director or his designee. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Planning Director or his designee within the specified time limit constitutes admission of the violation of the terms of this Ordinance.

Any person who violates any provisions of this Ordinance shall upon conviction be fined not less than \$10.00 and not more than \$300.00 for each offense. Each day that the violation exists shall constitute a separate offense. Violations of this Ordinance resulting from failure to apply for or obtain a permit shall result in a doubling of the permit fee.

SECTION 155 – Compliance with Regulations

The regulations set forth by this Ordinance, shall be the minimum regulations and shall apply uniformly to all land under the jurisdiction of this Ordinance. It shall be the duty of the Commission’s Attorney to prosecute such violations of this Ordinance as may be brought to his attention and which violation shall be considered worthy of prosecution in the opinion of such Attorney.

The Commission, Planning Director, or any concerned person of the Town of Dillsboro, Indiana, may institute a suit for injunction in any court having jurisdiction to prevent the violation of the provisions of this Ordinance and may obtain such injunction. The Commission, Planning Director, or any concerned person of the Town of Dillsboro, Indiana, may also institute a suit for a mandatory injunction, and obtain such injunction, in any court having jurisdiction directing the removal of a structure erected in violation of the provisions of this Ordinance.

The Commission, Planning Director, or any concerned person of the Town of Dillsboro, Indiana, notwithstanding the above provisions, shall be permitted to otherwise enforce this Ordinance by invoking any legal, equitable, or special remedy provided by law.

SECTION 160 - Appeals and Waivers

Appeals of this Ordinance may be made to the Commission by any person or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Planning Director or his designated staff. Such appeal shall be made within thirty (30) days of such person’s written receipt of the Staff decision by filing with the Commission office an application for a notice of appeal specifying the grounds upon which the appeal is being sought. Public notice of such appeal shall be given to any and all parties of record at least ten (10) days prior to the public hearing. The Planning Director shall transmit to the Commission all the papers constituting the record for the appeal.

Upon written request to the Plan Commission, an applicant can seek a waiver of any of the Subdivision regulations in this Ordinance. The individual request shall be reviewed and granted only under unusual or extreme circumstances or if an equal or better alternative can be provided that is not in agreement with this Ordinance. The Planning Director or his designee shall review the request and provide a recommendation to the Commission regarding the merits of the request.

The Plan Commission shall review and take action on all waiver requests that involve the Subdivision Control Ordinance. The Board of Zoning Appeals shall review and take action on all variances—**including those involving subdivision setbacks**—and conditional uses to the Town of Dillsboro Zoning Ordinance. As a condition of granting a waiver under this Section, the Plan Commission may allow or require a commitment to be made (as outlined in IC 36-7-4-1015).

ARTICLE 2

SUBDIVISION TYPES AND REVIEW PROCEDURES

SECTION 200 – Subdivision Types

The following applies to Subdivisions or the divisions of land which are used for commercial, industrial, office, residential, or other types of uses. The Subdivision of land can occur in the following four (4) forms:

1. Major Division of Land - A Major Subdivision of land involves eight (8) or more buildable lots in addition to the Parent Tract and can include public improvements such as streets, grading, utilities and stormwater detention. The review procedure for a major division of land involves a Primary Plat, Improvement Plan, and a Secondary Plat as outlined in this Article. If, however, a division of land containing eight (8) or more buildable lots does not require any public street improvements or stormwater detention and only requires minimal grading, the developer will only be required to submit a Primary Plat and a Secondary Plat for review and approval;
2. Minor Division of Land - A Minor Subdivision of land involves the division of seven (7) buildable lots or less in addition to the Parent Tract, and is located along an existing public street or a private drive as specified in this Ordinance and involves minimal grading. The review procedure for a minor division of land involves a Primary Plat and a Secondary Plat as outlined in this Article. The minor division of land involves no widening or extension of a public street or stormwater detention. The procedures and application requirements are outlined in this Article;
3. Administrative Division of Land – Administrative Subdivisions (hereafter called Certified Surveys) are exempt from most provisions of this Ordinance, may not result in or require the creation of a public easement or the installation of public improvements, and must be one of the following types of division:
 - a. The division by conveyance of a single lot, tract, or parcel of land or a part thereof, shown as a unit on the last preceding transfer of ownership record, into more than two lots, tracts, or parcels of land in any one (1) year period of time for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes. Additional divisions of this type shall be required to follow the Major or Minor Subdivision procedure;
 - b. A division of land for the transfer of a tract, or tracts, to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
 - c. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;

- d. A division of land for the transfer of a tract, or tracts, between adjoining lots provided that no additional principal use building sites are created by the division. Each lot created shall be clearly identified as a non-buildable parcel on the plat and within the deed. The adjoined lots so created hereunder shall have only one principal use building site each;
 - e. A division of land into cemetery plots for the purpose of burial of corpses;
4. Exempt Division of Land – The following types of land divisions and survey plats are exempt from the provisions of this Subdivision Control Ordinance— with the exception of retracement or combination or consolidation surveys which are subject to the plat requirements set forth in Section 262 of this Article and must be reviewed (to ensure compliance with the plat standards and requirements set forth by Indiana ‘Rule 12’ and Section 262 of this Order) by both the Town of Dillsboro Plan Commission staff and the Dearborn County Surveyor or his designee, but are otherwise exempt from the provisions of this Ordinance:
- a. A division of land for federal, state or local government to acquire street right-of-way;
 - b. A division of land for the direct use of utilities to meet the public’s needs for sewer, water, gas, or electrical service.
 - c. A combination or retracement of an existing parcel(s) of record in which either a survey plat does not exist, a survey error is being corrected, or an error associated with an existing legal description is being resolved.

All Exempt Plats shall be entitled as such and shall be recorded with the Dearborn County Recorder’s Office. No Exempt Subdivision may result in the creation of an additional, principal use building site.

SECTION 204 – Summary of Major Subdivision Review Process

Major Subdivisions involve three separate review steps before the proposed property can be developed and then recorded. The first step, the Primary Plat, involves a Public Hearing before the Commission as required in this Article 2. This step allows a conceptual review of the layout of the proposed development. The second step, the Improvement Plan, involves detailed construction plans of how the Subdivision will be developed as set forth in this Article 2. The Secondary Plat involves the recording of the Subdivision as set forth in this Article 2.

After the Commission has approved the Primary Plat and, if the development includes public improvements, an Improvement Plan approval is required before any construction on the site can begin. Improvement Plans are the construction plans for the Subdivision and any public improvements that are to be dedicated to the Town. If the Improvement Plan complies with the requirements of this Ordinance and the Town of Dillsboro Zoning Ordinance, the Improvement Plan will be approved by the Commission. After this approval, construction can begin on the property as indicated by the Improvement Plan. Before any property can be recorded through the Secondary Plat procedure, thus allowing the transfer of the property, all required public improvements must be completed and inspected and approved or a surety must be in place to guarantee the completion and approval of the improvements. (See Article 4)

After the improvements have been installed and a request is made for their acceptance to the legislative unit, a maintenance bond is required to cover any final improvements still to be completed, as well as to cover the performance of the improvements for a minimum of two years. (See Article 4)

SECTION 208–Primary Plat Procedure

The purpose of Primary Plat approval is to determine whether a proposed plat complies with all relevant development requirements set forth, or incorporated, in this Ordinance, and to identify the relevant development standards with which the proposal does not comply, if any. The Primary Plat is intended to be a conceptual layout of the proposed Subdivision and not a construction level detailed review. The following is required for this process:

1. An informal pre-application meeting with the Planning Department Staff to review the proposed Subdivision development prior to submittal of an application. The purpose is to allow the Staff to explain the Subdivision process and to review the proposed development with the applicant;
2. File a completed application with the Staff which application will be prescribed by the Staff;
3. Within thirty (30) days after receiving a complete application, the Planning Director or his designee shall schedule a Public Hearing as described in Section 212;
4. Prior to the Commission's Public Hearing on the application, the Staff and the Technical Review Committee shall review the submitted Primary Plat for compliance with these regulations and provide a written report that indicates compliance with the requirements of the Ordinance or a list of any deficiencies. The applicant shall then be given the opportunity to correct these deficiencies prior to the public hearing.

SECTION 212 – Public Hearing Process

After scheduling a Public Hearing as specified in Section 208 the Commission shall provide notification of the Public Hearing as follows:

1. Notice of the hearing shall be given by the Staff (postmarked and mailed) at least **ten (10) days** in advance of the Public Hearing by certified mail to the applicant and the owners of all property adjoining the property of the proposed Subdivision. The Applicant proposing the Subdivision shall furnish to the Staff the names and addresses of the owners of all adjoining property. The Dearborn County Assessor's Office may be relied upon to determine the identity for all adjoining property owners. In the cases where a Subdivision abuts or includes a county line, notice shall be given to properties at least 660 feet from the county line or property line into the neighboring county. The notice shall state, at a minimum, the time, place and purpose of the hearing.
 - a. Notice of the Public Hearing shall be published in a newspaper of general circulation at least **ten (10) days** prior to the hearing. Said published notice shall state, at a minimum, the time, place and purpose of the hearing.
2. The Commission shall take the following action on the Applicant's request after the public hearing:

- a. If, after the Public Hearing, the Commission determines that the application and Primary Plat **comply** with the standards in this Ordinance, **the Commission shall make written findings and a decision granting primary approval to the Primary Plat**. Reasonable conditions may be imposed to the approval of the plat that are supported by the requirements of this Ordinance;
- b. If, after the Public Hearing, the Commission denies the Primary Plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy of such findings.
- c. The Commission meeting minutes shall serve as the written findings of fact in support of its decision on the Primary Plat. After the minutes are approved by the Commission, the minutes shall serve as his confirmation of the Commission's official action on the Applicant's request. If the Applicant requests written notification of the decision prior to the adoption of the official minutes of their application, the Planning Director or his designee shall upon request by the Applicant provide this written notification;
- d. If the approved by the Commission, Planning Director or his designee shall stamp and sign the Primary Plat according to the final action taken by the Commission and provide a copy to the applicant as well as for the file.

3. The Plan Commission's approval of a Primary Plat shall not constitute approval of Improvement Plan or Secondary Plat unless otherwise stated within this Ordinance.

SECTION 216 - Primary Plat Requirements

The Primary Plat shall meet the minimum acceptable design standards set forth in Article III of this Ordinance and the general applicable regulations for the construction of public improvements as set forth in this Ordinance, and the Town of Dillsboro Zoning Ordinance. In addition to the requirements of the preceding sentence, the Primary Plat shall contain the following information:

1. The proposed Subdivision plat shall be drawn to a scale of not less than one-inch equals one-hundred feet (1"= 100') unless Staff approves another scale. The submitted drawing shall be on a 24" x 36" paper size. A graphic or written scale shall be noted on the plat along with the date of the plat and north arrow. *All multiple sheet plans shall be stapled together to form plan sets;*
2. The proposed Subdivision name, the names and addresses of the owner and developer, and the name, address, and seal of an Indiana Professional Engineer, or Registered Land Surveyor responsible for designing the plat. In no case shall the name of a proposed Subdivision duplicate or be similar to an existing Subdivision in the Town of Dillsboro unless it is an extension or expansion of an existing Subdivision unless approved by the Planning Director or his designee;
3. A vicinity map showing the proposed location of the Subdivision by township and section and in relation to major or minor roads in the area. The vicinity map shall have an approximate scale;

4. All proposed uses including the type of housing (e.g. single-family attached or detached, townhouses, duplexes, etc.) or other uses in the Subdivision and any public dedication or reservation of land;
5. Label all open space and common areas;
6. Acreage of land to be subdivided, the total number of lots, and if applicable, the approximate number of acres of open space or other public uses;
7. Existing contours with intervals of not more than ten (10) feet to reflect the current topography of the proposed Subdivision with elevations based on mean sea level (U.S.G.S. Datum). Also, the current elevations on adjoining streets or roads shall be required to determine proper access management;
8. If any type of fence, brick wall, or earthen berm is being proposed to screen the proposed Subdivision from a street or adjoining land use, it shall be noted on the Primary Plat. Details such as height and type of screen shall be indicated on the Primary Plat. Identify all landscaped areas within a public street right-of-way along with maintenance of such features. If landscaped islands are proposed, drainage facilities are required;
9. Boundary lines of the land to be subdivided shall be shown in heavy solid lines, including lengths and bearings. The following existing features within 100 feet of the proposed Subdivision boundary shall be indicated, as referenced either from scaled aerial photography or orthophotography, or as referenced from field observations: all existing buildings, cemeteries, historical landmarks or features, water courses, railroads, bridges, all private/public utility facilities and easements. In addition, the present zoning classification, both on the land to be subdivided and on the adjoining land, and the names of adjoining property owners and adjacent Subdivisions within one hundred (100) feet of the Subdivision boundary. If the proposed Subdivision is an additional section of an existing Subdivision, the plat shall show the numbering of all adjoining sections and lots;
10. Information pertaining to proposed and existing public/private utility layouts (e.g. storm and sanitary sewer, water, gas, telephone, electric, cable, etc.) based upon existing service lines. If applicable, the location of all detention/retention structures. The primary utility layout for the Subdivision shall define the location and direction of flow of each stormwater and sanitary sewer, and the location of each water line. Telephone, electrical, and cable service should be noted as being installed underground or overhead;
11. A letter from all utility and service providers indicating the availability of sewer, water, electric, gas, fire protection services, and emergency services, and / or schools (as applicable) for the proposed Subdivision;

12. Names, locations, widths, lengths, grades and curves of proposed streets pursuant to Section 305 Street Design herein. The Applicant shall state whether the proposed streets will be public or private. Also, any existing easements shall be shown along with other open spaces or reservation of land. Lots shall be numbered and the lot sizes (in acres) shall be noted on the plat. The minimum building lines shall be denoted on the plat. In no case shall the name of a proposed street duplicate or be similar to an existing street in the Town of Dillsboro unless it is an extension or expansion of existing street;
13. Approximate boundaries of 100-year flood plain using the Flood Insurance Rate Maps and Floodway Maps for the Town of Dillsboro. Properties located within the floodplain shall provide written documentation from the Indiana Department of Natural Resources regarding the Flood Protection Grade and the location of the floodway (See Article 8 of Town of Dillsboro Zoning Ordinance). The plat shall show all flood-prone areas and a sketch map using the current U.S. Geological Survey data to demonstrate the drainage basins upstream and downstream from the development;
14. Reference to the existing soil types of the site or proposed Subdivision. The location and identification of soil types can be found in the Soil Survey of Dearborn and Ohio Counties, Indiana produced by the USDA. This document is available at the Planning Department. If other data is used it shall be certified by a professional engineer licensed in Indiana. The soil types shall be listed on the Primary Plat in order to determine any potential environmental impact as a result of building or public improvement construction on each soil type;
15. The phasing proposed and estimated time needed to reach build-out of the Subdivision.

SECTION 220 - Sectionalizing (Phasing) Major Subdivisions

During the Primary Plat review of a Major Subdivision, a Subdivider may present a phasing or sectionalizing plan. If a phasing plan is submitted, the build-out of the Subdivision must be identified on the Primary Plat drawing and accompanying materials. As a part of this process, the Plan Commission can require that certain improvements be completed within or by a certain phase of the Subdivision's development. For example, road termini, utility improvements, or neighborhood or community amenities may be required within the early phases of the Subdivision.

Additional financial guarantee may be required for Subdivisions developed in phases to ensure that public improvements are connected as shown in the approved Primary Plat or financial guarantee may be required to remain in place until all sections of the Subdivision are completed. For example, prior to the development of a new phase or section, a maintenance guarantee may be required to ensure the satisfactory condition of the required improvements from earlier sections of the affected Subdivision—or adjacent development. Financial guarantees must also be consolidated if different phases or sections are owned or controlled by the same Subdivider.

SECTION 224 – Expiration of Primary Plat

The approval of the Primary Plat shall be in effect for two (2) years from the date of the Commission's approval unless an Improvement Plan for at least one (1) section of the Subdivision is submitted for review and approval. As each section of a Subdivision is approved and developed, the approval of the Primary Plat will be extended for a two-year period beyond each approved section. A one (1) year extension of the approval of a Primary Plat is possible through an application to the Planning Director.

SECTION 228 - Improvement Plan Review Procedure

After the approval of the Primary Plat and after meeting informally with the Staff, the Subdivider or Applicant shall, prior to the construction and installation of any utilities, roads or grading of any parcel, prepare and submit an Improvement Plan for review and action by a Technical Review Committee and Staff. The Improvement Plan shall be consistent with the approved Primary Plat. Any changes to the approved Primary Plat shall be reviewed by the Planning Director or his designee to determine if the changes are major or minor in scope. Minor changes shall include slight movement of streets, reconfiguration of lots, renumbering of lots, increasing or reducing lot sizes or similar changes. Major changes can include increases in the number of lots or removal of street connections. Any changes considered to be major in scope shall require a new Public Hearing by the Applicant as described in Section 215 of this Ordinance.

The Applicant may file an application and submit an Improvement Plan application to the Planning Department after Primary Plat approval has been received. Upon receipt of a complete application, the Planning Department shall distribute the required copies of the Improvement Plan to the members of the Technical Review Committee for review. The Technical Review Committee and staff will meet informally on a scheduled, or as needed basis, to review each Improvement Plan for its compliance with the Subdivision Ordinance. The Planning Director or designee shall then forward a list of deficiencies, if any, to the applicant. If the Applicant corrects the deficiencies, and the Improvement Plan is in compliance with the Subdivision Control Ordinance and the Town of Dillsboro Zoning Ordinance, the Plan must be approved.

SECTION 232 - Improvement Plan Requirements

The Improvement Plan shall provide the minimum acceptable design and improvement standards which will be required by the Commission as a precondition to development or in conjunction with development for lots, streets, utilities, and other physical elements in the Subdivision. Based upon the information and design plans of the Subdivision, the Planning Director or his designee may request additional information on any of the following requirements in order to clarify design issues. The Improvement Plan shall be designed by an Indiana Registered Professional Engineer or Surveyor and installed in accord with these and other applicable regulations, and shall contain the following information:

1. The proposed name of the Subdivision or development as approved in the Primary Plat. In no case shall the name of a proposed Subdivision duplicate or be similar to an existing Subdivision in the Town of Dillsboro unless it is an extension or expansion of an existing Subdivision;

2. Names and addresses of owner or developer of the Subdivision and the Indiana Registered Professional Engineer or Surveyor responsible for the design of all improvements. The Improvement Plan shall be certified with the seal of the engineer or surveyor;
3. The plan shall be to a scale of one inch equals fifty feet (1"= 50') unless Staff approves another scale and the submitted drawing shall be on a 24" x 36" paper size. On large lots, this scale may be used to show just the graded portion of the lots, and improvements. A graphic or a written scale shall be on each sheet of the plan. *All multiple sheet plans shall be stapled together and numbered to form plan sets;*
4. A vicinity map showing the proposed location of the Subdivision by township and section and in relation to major or minor roads in the area. The vicinity map shall have an approximate scale. In addition, if the Subdivision is done in sections, a reduction of the overall subdivision plan shall be provided on the cover sheet that graphically indicates the area under review;
5. The date shall be on the cover or first sheet of the Improvement Plan, and a north arrow shall be on all sheets of the Improvement Plan;
6. The boundary of the Subdivision or section of Subdivision under review shall be indicated by a heavy, solid line on one sheet of the Improvement Plan at a standard scale to show the location of the section under review with other sections of the Subdivision. All Subdivision boundary lines shall be labeled with the bearing and distance;
7. The location and name of all existing and recorded streets, right-of-way and roadway widths, railroads, public and private utility right-of-ways or easements (including drainage easements); public parks and open spaces; buildings (labeled as "to remain" or "to be removed"); township, city, town, county and state boundary lines; cemeteries and other historical landmarks or features. Drainage easements not planned to be piped shall be labeled "surface drainage easement";
8. Sight distances in both directions for any proposed road that intersects with an existing street shall meet the minimum sight distance requirements found in Section 2410 of the Town of Dillsboro Zoning Ordinance. The sight distances shall also be denoted on the plat along with the speed limits of the roads to be intersected.
9. Location and sizes of all existing utility facilities (public and private) within or adjacent to the Subdivision or development area. Location and width of all public or private sidewalks, including ownership and maintenance of private sidewalks and pathway systems;
10. Location and identification of all existing zoning districts within, or adjoining, the Subdivision or project area. If used for residential purposes, the type of housing shall be stated on the Improvement Plan;
11. Existing contours with intervals of not more than ten (10) feet shall be clearly marked with elevations based on mean sea level (U.S.G.S. Datum) and the location and description of the benchmark used. All subdivisions larger than 50 total lots will be required to tie into the State Plane Coordinate System;

12. Proposed finished contours with intervals of not more than five (5) feet, shall be clearly labeled and be related to the existing contours. Maximum grade for any excavated (cut or fill) slopes shall be 2.5:1 (2.5 feet horizontal for each 1 foot vertical), and the design slope shall be labeled on the plan. Excavated slopes may be steeper upon report by a geotechnical engineer approved by the Planning Department. Disturbed limits shall be clearly identified on the submitted plan and in the field;
13. Location, right-of-way and pavement width, name of all proposed streets and other public utility right-of-ways or easements. Show striping of street lanes on roads with more than two lanes. Also, show location of streetlights and submit detail of a typical light fixture. A typical detail drawing that depicts the classification of the proposed street shall be shown on the Improvement Plan. Where divided entrances are proposed, detail plans may be required when appropriate. Proposed street names shall not duplicate or too closely approximate phonetically, the name of any other street in Dearborn County. Street stations and PVI's shall be labeled on the centerline of proposed streets and correspond to profiles of said street;
14. The location and lot number of all lots with the distances shown on each lot line. Arrows showing the water flow off the lot will indicate the proposed drainage of individual lots;
15. Profile of each proposed street with finish grades (including adequate extensions, where necessary, beyond the proposed Subdivision, development or section) including all existing and proposed underground public utility crossings with catch basins, junction boxes, manholes and existing private utility crossings including gas, electricity, and telephone. Horizontal scale shall be the same as the plan scale and vertical scale not less than one-inch equals ten-feet (1"=10') unless approved by the Staff. Stationing shall be labeled and correspond to the plan view;
16. Location of proposed sanitary, storm water, and water resource systems, including all facilities relating thereto such as manholes, pump stations, sewerage plants, catch basins, junction boxes, headwalls, water valves and fire hydrants. Detention/retention areas or ponds shall be clearly identified with the maximum volume capacities labeled. Detailed drawings of all overflow facilities shall be shown. All stormwater and sanitary sewer facilities (catch basins, junction boxes, headwalls and manholes) shall be numbered and correspond to those facilities on profiles as described in paragraph "18" of this section. Connection to existing facilities shall be shown and labeled. Responsibility of maintenance of any detention/retention areas shall be noted on the Improvement Plan;
17. Location and identification of any drainage facility (i.e. man-made dams) or natural feature (i.e. lake or pond) on the site or within one hundred (100) feet of the Subdivision or development boundary which has, or could have, a significant impact on drainage or siltation control;

18. Profiles of all proposed stormwater and sanitary sewer pipelines and facilities including percent grade, pipe diameters, pipe lengths, and invert elevations. Profiles shall also show all existing and proposed public utility (water, storm and sanitary sewer) crossings, and all existing private utility (gas, electric, and telephone) crossings. The facilities (catch basins, junction boxes, headwalls and manholes) shall be numbered and correspond to those facilities as described in paragraph "16" of this section. The design velocity of stormwater flow shall be shown at the headwall and the re-entrance into the natural stream. Detail drawings of all detention/retention overflow and controlling facilities including valves shall be shown. Connections to existing pipelines or facilities shall be shown and labeled;
19. Design calculations for all drainage facilities including detention/retention basins, sediment basins, stormwater pipelines and drainage channels. All calculations must be approved by an Indiana Register Professional Engineer or Surveyor. (See Article 3 Section 325 thru 325.6);
20. If a grading plan of the proposed Subdivision or section thereof was approved under Section 272 of this Article, then a copy of that approved plan shall be submitted with the proposed Improvement Plan;
21. Names of adjacent property owners and recorded Subdivisions with section or phase number within one hundred (100) feet of the site under review;
22. Reference to the type of street and a typical cross-section detail as noted in the current Town Street Specifications;
23. The minimum building setback lines as stated in the current Town of Dillsboro Zoning Ordinance shall be noted either graphically and in written form;
24. Indicate lots in the proposed Subdivision or development that are intended to be dedicated or temporarily reserved for public use, or to be reserved by deed covenant for use of all property owners in the Subdivision, and the conditions, if any, of such dedication or reservation. The applicant shall provide information regarding any dedication of public lands, restrictive covenants on non-development areas, or conservation easements;
25. The location of all erosion and sediment control facilities shall be shown on the plan, with detail drawings of each type of facility being used. The detailed soil erosion techniques or features may be referenced on the plan in accordance with the Indiana Department of Natural Resources Rule 5 Permit for Erosion Control. All excavated slopes (4:1 or steeper) shall be seeded and mulched immediately upon completion of grading of that particular slope, and right-of-ways shall be seeded and mulched within 120 days of the Planning Department's Secondary Plat approval of that section;
26. A draft copy of any Homeowners Association Agreement document which deals with the future maintenance of sidewalks, streets, open areas, recreational lands, street lighting, private utilities, and other items. At a minimum, the Homeowners Agreement document should include membership names, fee or dues structure, estimated cost for future maintenance items, a detailed list of maintenance items, a budget description and a description of ownership boundaries;

27. Additional documentation or information such as geotechnical studies may be required by the Planning Department if an applicant is proposing to make improvements on property located on steep slopes of 25 percent or greater or that have types of soils and geologic formations, which severely limit development;
28. A copy of written approval shall be provided for all public utility improvements to be provided. The letter should not only indicate that the service is available but that the applicant has permission to extend or tap into the service. A copy of any required IDEM approval for any sanitary sewer service shall also be provided. Developments requiring access onto a state highway shall be required to provide a copy of any required INDOT permit; and
29. Any applicable Floodway or Flood Plain information as determined in Section 216, Item 13;
30. A Phase I Environmental Site Assessment prepared by a certified environmental consultant licensed in the State of Indiana, in accordance with ASTM E 1527-00 for any subdivision proposed for a commercial use. Any Subdivision may be subject to this requirement, at the request of the Technical Review Committee, if the site contains a potential environmental risk.

SECTION 236 - Improvement Plan Approval

The Technical Review Committee and Planning Department Staff shall have thirty (30) days from date of receipt of the completed application to review the Plan and take action unless the applicant waives the time limitation, in writing. If the Improvement Plan is in agreement with requirements within this Ordinance and the Town of Dillsboro Zoning Ordinance, then the Plan shall be approved by the Technical Review Committee and the Planning Department Staff. If the Plan is not in compliance with the requirements of this order and the zoning ordinance the Plan cannot be approved until it is made to be compliant. If the Plan is approved with or without conditions, then the applicant may proceed with construction. If the submitted Improvement Plan is not approved, then the property owner, developer; or applicant may resubmit a new application or may appeal the decision before the full Plan Commission at its next available meeting.

Approval of the Improvement Plan by the Technical Review Committee **shall not constitute acceptance of the Secondary Plat**. Approval of the Improvement Plan also **shall not be construed as acceptance or agreement to accept** any proposed improvement intended to be dedicated for public use.

The Improvement Plan shall become null and void after two (2) years from the date of approval, unless a substantial amount of construction of significant improvements in the Subdivision are made (as determined by the Planning Director) and include the following: utility installation, road construction, or extensive excavation. In addition, acceptance of a financial guaranty will extend the approval period for the length of the guaranty. A one (1) year extension of approval for an Improvement Plan can be issued by the Planning Director. Any deviation from or changes made to the approved Improvement Plan shall be submitted to the Planning Department for review and approval by the Staff and/or by the Technical Review Committee of the Plan Commission. In the event that any person holding an approved improvement plan permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Building Commissioner or Planning Director, or their respective designees, may suspend or revoke a site development permit. The Planning Department shall stamp and distribute the approved copies of the Improvement Plan to the appropriate organizations.

SECTION 240 - Secondary Plat Review Procedure

The Secondary Plat shall conform to the approved Improvement Plan, and if desired by the Applicant, it may constitute only that portion of the approved Improvement Plan, which the Applicant proposes to record and develop at the time. However, any section, phase or part shall conform to all requirements of these regulations.

SECTION 244 -Secondary Plat Requirements

The Secondary Plat shall conform to the requirements listed below, as well as those set forth in 865 IAC 1-12, commonly known as 'Indiana Rule 12':

1. The proposed name of the Subdivision or development, as established by the Improvement Plan. Also, names of adjacent property owners and recorded Subdivisions with section or phase number. All Secondary Plats shall be drawn on a 24" x 36" inch fixed line mylar. The font size shall be no less than .08 of an inch, for any text on the survey;
2. A vicinity map showing the proposed location of the Subdivision by township and section and in relation to major or minor roads in the area. The vicinity map shall have an approximate scale. In addition, if the Subdivision is done in sections a reduction of the overall Subdivision plan shall be provided on the cover sheet that graphically indicates the area of the Subdivision to be recorded;
3. Any information required by the Dearborn County Recorder's Office;
4. Name(s) and address(es) of the Owner or developer of the Subdivision and the Indiana Registered Land Surveyor or surveying firm responsible, for survey and lot design of the Subdivision;
5. Date, north arrow, and graphic or written scale. The scale shall not be less than one inch equals fifty feet (1"=50'), except Subdivision or developments with lots having a minimum area of two acres which shall not be less than one inch equals one hundred feet (1"=100');

6. Names of adjacent property owners+, deed record and page number*, and recorded Subdivisions with section or phase number. *Instrument numbers may be supplied for any parcels established after 2000. +For the purposes of this Ordinance, adjacent property owners shall include anyone who owns land that is contiguous to a subject property as well as anyone who owns land that is directly across the road rights-of-way—if property lines are / were projected to the center of the adjacent road rights-of-way;
7. Boundary of the Subdivision or section thereof, with bearings and distances based on the field traverse that has an accuracy of not less than one part in five thousand (1:5000);
8. The Property Parcel Map Numbers (#s) that the new lots are being divided from;
9. Area of the Subdivision or section of the Subdivision and area of each lot in acres;
10. Location and right-of-way width and length of all streets and easements which are to be dedicated or reserved for public or private use;
11. Location, width, and names of public or private road rights-of-way that adjoin the boundary, and whether the road is maintained or abandoned. For situations where the rights-of-way are unknown or cannot be readily sourced through a prior survey or deed, the approximate width of pavement must be provided along the frontage(s) of the affected property;
12. Centerline curve data for the right-of-way of the streets and easements with the data to include: central angle and radius, arc length, long chord and tangent distances;
13. Numbered, lots whose boundaries are described by bearing and distance for each tangent course, and proper curve data (as given above) for curve courses. Side lot lines that are not radial with curved street centerlines shall have a reference tie to the tangent line of that centerline curve. Also, if any lots were subject to a Certified Survey, those lots shall be noted with dashed lines and referenced;
14. Description of all monumentation, including notation as whether were found or set, and the type of monument used;
15. Location of areas to be dedicated for, public use and with the planned use clearly indicated. Areas intended to be reserved for common use but not dedicated to public use shall be identified by a lot number and treated as a private lot. A statement shall appear on the Secondary Plat that clearly describes the ownership and maintenance responsibilities for any public or non-public common areas;
16. The following statement shall appear on the Secondary Plat unless noted in the form of a deed restriction by the developer of a Subdivision;
 - a. Current applicable zoning regulations or districts will determine building setbacks.
17. Certificate and seal of the Indiana Registered Land Surveyor, who is responsible for the survey that the plat represents (Article 7, Certificate A);
18. A signed and notarized certificate of the owner(s) indicating adoption of the plat and dedication of the streets, easements, and any other public areas (Article 7, Certificates B-1 and B-2, where applicable). This certificate shall be signed prior to the plat being signed by the Planning Director or his designee;

19. Reference to the current Deed Book(s) and Page Number(s) as to the transfer to the current owner(s) of all property that is a part of the Subdivision or section thereof. If the reference is of more than one tract, the tract lines shall be shown on the plat;
20. Certificate of approval of the Town of Dillsboro Plan Commission (Article 7, Certificate C);
21. Certificate of approval of the Property Owner (Article 7, Certificate D), for Subdivisions that do not involve public dedications;
22. Certificate of the Dearborn County Recorder and Auditor (Article 7, Certificate E & H);
23. Certificate of Dedication for public streets and storm sewer line(s), if applicable (Article 7, Certificate F);
24. A final copy of any Homeowners Agreement document which deals with the future maintenance of sidewalks, streets, open areas, recreational lands, street lighting, private utilities, and other items. At a minimum, the Homeowners Agreement document should include membership names fee or dues structure, estimated cost for future maintenance items, a detailed list of maintenance items, a budget description and a description of ownership boundaries;
25. Label and show the boundaries of any cemetery if it exists on the site—or is situated within 100 feet of the affected property. The following statement shall also be added where cemeteries are noted: "Cemeteries subject to the requirements set forth in IC 14-21-1 et. seq and Article 25, Section 2570, Town of Dillsboro Zoning Ordinance."
26. Label and show the boundaries of any flood zones on the subject property which have been identified as being within a floodway, 100-year or 500-year floodplain(s), if any exist on the site. The current, applicable flood panel must also be referenced;
27. The following statement shall also appear on the plat:
"This plat shall be void if not recorded within three (3) months of the survey certification date, as stipulated in Indiana Rule 12."

SECTION 248 - Secondary Plat Approval

Approval, approval with conditions or modifications, or disapproval shall occur within ten (10) working days from the date of submittal of the application by the Planning Director or his designee. Any public improvements as required by this Ordinance shall be addressed according to Article 4 before the Secondary Plat can be approved. If the Plat is in agreement with requirements within this Ordinance and the Town of Dillsboro Zoning Ordinance, then the Plat shall be approved. If the Plat is not in compliance with the requirements of this order and the Zoning Ordinance the Plat cannot be approved until it is made to be compliant.

Upon approval by the Planning Department, two copies of the Secondary Plat will be filed in the Planning Department, one copy shall be forwarded to the Dearborn County Assessor and the original mylar will be hand carried to the to the Dearborn County Auditor's Office. The Auditor's Office will duly enter each parcel for taxation then the Plat will be delivered to the Dearborn County Recorder for recording.

Approval of the Secondary Plat by the Plan Commission shall not constitute the acceptance by the appropriate legislative body of the public dedication or maintenance of any street or other facility nor shall it imply acceptance by the Dearborn County Recorder for recording purposes.

SECTION 252 - Minor Subdivision Review Procedure

The purpose of this Minor Subdivision review procedure is to potentially allow for a more expedient review process. A Minor Subdivision as defined in Section 200 shall be required to follow the Primary Plat requirements in Section 216 and Secondary Plat review procedures outlined within this Article. Within ten (10) days of receipt of a complete application, the Planning Director or his designee shall:

1. Review the Applicant's application for technical conformity with these regulations;
2. Prepare a report and recommendation;
3. Schedule a Plat Committee (hereafter called Technical Committee) review of the application within fifteen (15) days of the receipt of the complete application;

The Technical Committee shall review the Applicant's application for compliance with these regulations. The Technical Committee may approve the application, approve the application with conditions or deny the application. However, if the Technical Committee determines that the application and Plat comply with these regulations, it shall grant primary approval. The Planning Department shall stamp the Plan approved after expiration of the appeal period and distribute the copies accordingly.

Within ten (10) days after the Technical Committee's approval of the Applicant's application, the interested parties shall be notified by certified mail, of their right to appeal the Technical Committee's decision. In order to appeal a decision of the Technical Committee, the Applicant or Appellant must file a notice of appeal with the Planning Department within ten (10) days of receipt of the notice. The appeal of a decision of the Technical Committee may be taken only to the Commission.

Upon the filing of a notice of appeal, the Applicant's application for primary approval shall be subject to the procedures of Section 208 as if it were a new application. If no appeal is filed the Applicant shall proceed with the Secondary Plat procedures as outlined in this Ordinance.

SECTION 256 – Certified Survey Review Procedure

The provisions for Certified Survey Review and approval are intended to provide a convenient and expeditious process for the conveyance or transfer of land from the parent tract as described in definition section of this Ordinance. Property can be divided through this procedure if it falls into the categories identified within Section 200, Administrative Subdivision of Land. Each lot intended for building or development purposes must still meet the minimum standards in each zoning district as stated on the Town of Dillsboro Zoning Map and in the Town of Dillsboro Zoning Ordinance. This type of plat is intended to allow the division of a single lot from a larger tract for building purposes and for the casual sale of property, including the sale of property for non-buildable lots, when the imposition of the Major or Minor Subdivision procedure would be unnecessary. Certified Surveys may be submitted at any time to the Planning Department for Staff review and approval.

SECTION 260 – Certified Survey Requirements

Certified Surveys are intended to graphically represent the information of a boundary survey of property that is to be subdivided. The plat shall conform to the following requirements, as well as those set forth in 865 IAC 1-12, commonly known as 'Indiana Rule 12':

1. Date, north arrow, and standard engineering scale not less than one inch equals two hundred feet (1"= 200'), unless approved by the Planning Department Staff. Plats shall be at a minimum size of 18" x 24" on mylar drawn in ink. The font size shall be no less than .08 of an inch, for any text on the survey. The title of each survey must also be conspicuous on either the top of the page or in the title block and must contain a clear reference to acknowledge the type of survey that has been created (e.g. original survey, retracement survey—including whether the retracement is a combination survey, or consolidation survey);
2. Name, address, telephone number and seal of the Indiana Registered Land Surveyor responsible for the survey Plat and the Land Surveyor's Certificate (Article 7, Certificate A);
3. Boundary of the parcel and Subdivision of that parcel, including bearings and distances of each tangent course, and all necessary data for curve courses. The traverse that the boundary is depended on shall meet the Indiana minimum standards, and if requested by the Planning Department, closure documentation shall be submitted in addition to the plat;
4. Area in acres of the parent parcel and each Subdivision of the parcel. If a parcel falls in two different townships, sections, or quarter sections, separate acreages shall be listed;
5. Location, width, and names of public or private road rights-of-way that adjoin the boundary, and whether the road is maintained or abandoned. For situations where the rights-of-way are unknown or cannot be readily sourced through a prior survey or deed, the approximate width of pavement must be provided along the frontage(s) of the affected property;
6. Encroachments discovered in the course of the survey;

7. Names of adjacent property owners+, deed record and page number*, and recorded Subdivisions with section or phase number. *Instrument numbers may be supplied for any parcels established after 2000. +For the purposes of this Ordinance, adjacent property owners shall include anyone who owns land that is contiguous to a subject property as well as anyone who owns land that is directly across the road right-of-way(s)—if property lines are / were projected to the center of the adjacent road right-of-way;
8. Vicinity Map with an accurate scale, at a township level;
9. Statement by the applicant as to whether the transfer will be used, or is being used, for building or non-building purposes, and label this with bold letters on the parcel;
10. A description of the size, character, and location—including the location relative to the surface of the ground—of all monuments, with notations indicating which were found and which were set;
11. Current zoning of the subject property;
12. The Property Parcel Map Number (#) that the new lot is being divided from;
13. Existing structures and distances to the newly established property lines;
14. Label and show the boundaries of any cemetery if it exists on the site—or is situated within 100 feet of the affected property. The following statement shall also be added where cemeteries are noted: “Cemeteries subject to the requirements set forth in IC 14-21-1 et. seq and Article 25, Section 2570, Town of Dillsboro Zoning Ordinance.”
15. Label and show the boundaries of any flood zones on the subject property which have been identified as being within a floodway, 100-year or 500-year floodplain(s), if any exist on the site. The current, applicable flood panel must also be referenced;
16. Show utility, drainage, and any other known easements (where applicable) and road frontage;
17. Variances and/or covenants if applicable;
18. Reference to source of title;
19. Reference to Section, Township, Range and Political Township;
20. Owner’s Certificate (Article 7, Certificate B-1, B-2 or D) and Certificate for Plan Commission approval (Article 7, Certificate C), Certificate of the Dearborn County Recorder and Auditor (Article 7, Certificate E & H);
21. For Subdivisions that are intended to be developed immediately, a sight distance study shall be performed. The location of the future access point shall be indicated on the plat with the following statements. Existing access points should also have the following notes but may not be required to meet the sight distance requirements. A waiver can be granted if a documented sight distance study has been previously performed by the Planning Director or Designee.

- a. "The recording of this plat provides no guarantee that the designated location for the access point will receive sight distance approval from the Town of Dillsboro Plan Commission."
- b. On ____ Day of _____, 200__ there are _____ feet of sight distance in the (easterly, westerly, northerly, southerly) direction and _____ feet of sight distance in the opposite (easterly, westerly, northerly, southerly) direction measured to meet the minimum sight distance requirements of Article 24, Section 2410 of the Town of Dillsboro Zoning Ordinance.

If the Subdivision is not intended to be developed immediately, or a sight distance study has not been performed, the following statements shall appear on the plat:

- a. Upon visual inspection, there are approximately _____ feet of sight distance in the (easterly, westerly, northerly, southerly) direction and approximately _____ feet of sight distance in the opposite (easterly, westerly, northerly, southerly) direction. (If multiple sections of sight distance exist, each section must be denoted on the plat.)
- b. "At the time of this plat, a sight distance study has not been performed. A sight distance study will have to be performed by an Indiana registered Professional Engineer or Land Surveyor in accordance with the Major Plot Plan Review process prior to construction of new access points. THE APPROVAL OF THIS PLAT PROVIDES NO GUARANTEE THAT THIS PARCEL WILL MEET THE MINIMUM SIGHT DISTANCE REQUIREMENTS ESTABLISHED BY THE TOWN OF DILLSBORO PLAN COMMISSION."

22. A Surveyor's Report and Legal Description of the property;

23. When a parcel adjoins an existing public street, a minimum width of one-half the right-of-way shall be required in the form of an easement and shown on the plat along the entire lot frontage (s) as detailed in Table 3.1.

24. The following statement shall also appear on the plat:

"This plat shall be void if not recorded within three (3) months of the survey certification date, as stipulated in Indiana Rule 12."

SECTION 262 – Retracement Survey Requirements

Retracement Surveys shall follow the process associated with Certified Surveys—as set forth in Section 264 of this Order (although no fees are associated with the Plan Commission’s review for this type of plat as it is considered exempt)—and must conform to the following requirements, as well as those set forth in 865 IAC 1-12, commonly known as ‘Indiana Rule 12’:

1. Date, north arrow, and standard engineering scale not less than one inch equals two hundred feet (1"= 200'), unless approved by the Planning Department Staff. Plats shall be at a minimum size of 18" x 24" on mylar drawn in ink. The font size shall be no less than .08 of an inch, for any text on the survey. The title of each survey must also be conspicuous on either the top of the page or in the title block and must contain a clear reference to acknowledge the type of survey that has been created (e.g. original survey, retracement survey—including whether the retracement is a combination survey, or consolidation survey);
2. Name, address, telephone number and seal of the Indiana Registered Land Surveyor responsible for the survey Plat and the Land Surveyor's Certificate (Article 7, Certificate A);
3. Boundary of the parcel, including bearings and distances of each tangent course, and all necessary data for curve courses. The traverse that the boundary is depended on shall meet the Indiana minimum standards, and if requested by the Planning Department, closure documentation shall be submitted in addition to the plat;
4. Area in acres of the parent parcel. If a parcel falls in different townships, sections, or quarter sections, separate acreages shall be listed;
5. Location, width, and names of public or private road rights-of-way that adjoin the boundary, and whether the road is maintained or abandoned. For situations where the rights-of-way are unknown or cannot be readily sourced through a prior survey or deed, the approximate width of pavement must be provided along the frontage(s) of the affected property;
6. Encroachments discovered in the course of the survey;
7. Names of adjacent property owners+, deed record and page number*, and recorded Subdivisions with section or phase number. *Instrument numbers may be supplied for any parcels established after 2000. +For the purposes of this Ordinance, adjacent property owners shall include anyone who owns land that is contiguous to a subject property as well as anyone who owns land that is directly across the road right-of-way(s)—if property lines are / were projected to the center of the adjacent road right-of-way;
8. Vicinity Map with an accurate scale, at a township level;
9. A description of the size, character, and location—including the location relative to the surface of the ground—of all monuments, with notations indicating which were found and which were set;
10. The Property Parcel Map Number (#) of the affected property;
11. Existing structures and distances to the property lines;
12. Label and show the boundaries of any flood zones on the subject property which have been identified as being within a floodway, 100-year or 500-year floodplain(s), if any exist on the site. The current, applicable flood panel must also be referenced;

13. Label and show the boundaries of any cemetery if it exists on the site—or is situated within 100 feet of the affected property. The following statement shall also be added where cemeteries are noted: "Cemeteries subject to the requirements set forth in IC 14-21-1 et. seq and Article 25, Section 2570, Town of Dillsboro Zoning Ordinance."
14. Show utility, drainage, and any other known easements (where applicable) and road frontage;
15. Variances and/or covenants if applicable;
16. Reference to source of title;
17. Reference to Section, Township, Range and Political Township;
18. Certificate for Plan Commission approval (Article 7, Certificate C), Certificate of the Dearborn County Recorder and Auditor (Article 7, Certificate E & H);
19. Owner's Certificate stating:

"This is to certify that the undersigned are the owners of the land shown and described in this plat and as said owners we have caused the said above described property to be surveyed as shown on the herein drawn plat, as our free and voluntary act and deed. Signed this _____ day of _____ (year).

 (Owner's Signature)
 (Type or Printed Name)

NOTARY CERTIFICATE

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared (Name of person), and acknowledged the execution of the foregoing certificate as her voluntary act this _____ day of _____, (year).

 Notary Public (Signature)

 (Name Typed or Printed)

My Commission Expires: _____

Resident of _____ County, _____"

20. A Surveyor's Report and Legal Description of the property;
21. The following statement shall also appear on the plat:

"This plat shall be void if not recorded within three (3) months of the survey certification date, as stipulated in Indiana Rule 12."

SECTION 264 – Certified Survey Approval

Approval, approval with conditions or modifications, or disapproval shall occur within ten (10) working days from the date of submittal of the application. Once reviewed and approved by Planning Director or his designee the Plat will be signed and stamped “Approved” by the Planning Department Official. Approval of the Certified Survey by the Planning Department does not record the parcel of land. A parcel is not recorded until the Plat and deed has been duly entered for taxation by the Dearborn County Auditor and then accepted for recording by the Dearborn County Recorder. All Certified Surveys shall require a newly created deed unless the survey is a retracement of a currently recorded parcel. However, if a new deed and/or legal description is created the retracement plat must follow the same procedure as a Certified Survey. Upon approval by the Planning Department, the original mylar will be hand carried by the property owner/applicant to the Dearborn County Auditor’s Office. The Auditor Office’s will match the deed to the plat and duly enter the parcel for taxation and then the plat and deed will be delivered to the Dearborn County Recorder for recording. A copy of the Certified Survey shall also be forwarded to the Dearborn County Assessor.

Approval of the Certified Survey by the Plan Commission shall not constitute the acceptance by the appropriate legislative body of the public dedication or maintenance of any street or other facility nor shall it imply acceptance by the Dearborn County Recorder for recording purposes.

SECTION 268 - Grading Review Procedure

Due to construction time limitations, unique soil conditions or weather conditions, a Subdivider or Applicant may find it necessary to submit a Grading Plan after approval of a Primary Plat and before a submittal of an Improvement Plan. The Grading Plan will not include final engineered drawings for streets, water lines, and sanitary sewer lines. A Subdivider or Applicant may submit a Grading Plan for review by the Staff.

If the Grading Plan has been approved by the Staff, the Subdivider or Applicant has one (1) year from the date of the approved Grading Plan to begin and to complete the work as stated in the Grading Plan or the Plan shall become null and void.

SECTION 272 - Grading Plan Requirements

Upon the approval of the Primary Plat the developer of a proposed Subdivision or property owner may submit a Grading Plan of the proposed Subdivision or section thereof for review by the Staff. The grading plan shall be designed by an Indiana Registered Professional Engineer or Surveyor and installed in accordance with these and other applicable regulations, and shall contain the following information:

1. The name of the proposed Subdivision or development;

2. Name(s) and address(es) of owner or developer of the Subdivision and the Indiana Registered Professional Engineer or Surveyor, responsible for all of the improvements. The plan shall be certified with the seal of the Engineer or Surveyor;
3. The plan shall be to a scale of not less than one inch equals fifty feet (1"=50'). On large lots, this scale may be used to show just the graded portion of the lots and improvements. A graphic or written scale shall be placed on each sheet of the plan;
4. The date shall be on the cover or first sheet of the plan, and a north arrow shall be on all sheets of the plan;
5. The boundary of the Subdivision or section of Subdivision under review shall be indicated by a heavy, solid line on one sheet of the plan at a standard scale to show the location of section under review with other sections of the Subdivision. All Subdivision boundary lines shall be labeled with the bearing and distance;
6. Location, right-of-way width, and name of all existing or recorded streets, railroads, and public and private utility easements (including drainage easements), public parks and open spaces; buildings (labeled "to remain" or "to be removed"); incorporation, county and state lines; cemeteries (see Article 3 Design Standards) and other historical landmarks or natural features;
7. Location of all existing utilities (public and private) within or adjacent to the Subdivision or project area;
8. Existing contours with intervals of not more than ten (10) feet shall be clearly marked with elevations based on mean sea level (U.S.G.S. Datum) and location and description of benchmark used;
9. Proposed finished contours with intervals of not more than five (5) feet shall be clearly labeled, and related to existing contours. Maximum grade for any excavated (cut or fill) slopes shall be 2.5:1 (2.5 feet horizontal for each 1-foot vertical), and the design slope shall be labeled on the plan. Excavated slopes may be steeper upon report by a geotechnical engineer approved by the Commission. Disturbed limits shall be clearly identified on the submitted plan and in the field;
10. Provide a copy of Rule 5 Permit from the Indiana Department of Natural Resources if applicable and show on the plan the location of erosion and sediment control facilities with detail drawings of each type of facility being used. The detailed soil erosion techniques or features may be referenced on the plan in accordance with the Indiana Handbook for Erosion Control in Developed Areas. All excavated areas and slopes (4:1 or steeper) shall be seeded and mulched immediately upon completion of grading of that particular slope, and right-of-ways shall be seeded and mulched immediately after the grading has been completed if road construction will not start within two weeks of grading. All seeding and mulching will be as detailed by the Indiana Department of Natural Resources, Soil Conservation techniques;

11. Additional documentation or information such as geotechnical studies may be required by the Commission Staff if an applicant is proposing to make improvements on property located near or in areas with slopes, of twenty percent (20%) or greater, and types of soils and geologic formations, which severely limit development.

SECTION 276 - Grading Plan Approval

Approval, approval with conditions, or disapproval shall occur within ten (10) business days from the date of submittal of the completed application. Once reviewed by the Staff, the Planning Director or his designee shall sign and stamp the approved copies.

Upon approval, a copy of the Grading Plan will be forwarded by the Planning Department to the Subdivider or Applicant. The Grading Plan will not serve as a replacement or substitute for the Improvement Plan.

SECTION 280 –Vacation of Plats

In a case in which all of the owners in a plat are in agreement regarding a proposed vacation, the owners may file a written instrument to vacate all or part of that plat as prescribed in IC 36-7-3-10.

In a case in which all of the owners in a plat are NOT necessarily in agreement regarding a proposed vacation, one (1) or more owners of land in a plat may file a petition with the Plan Commission to vacate all or part of the plat pertaining to the land owned by the petitioner.

The petitioner's application must:

1. State the reasons for and the circumstances prompting the request;
2. Include a survey that meets all of the requirements for a Certified Survey, as set forth in Article 2, Section 260 of this order and as prepared by a registered Indiana Land Surveyor; and
3. Give the names and addresses of every other owner of land in the plat;

Within thirty (30) days after receipt of a petition for a vacation of a plat, the plan commission staff shall schedule the petition to be heard by the Plan Commission at a public hearing. The Plan Commission shall follow the same public hearing procedure(s) to review proposed plat vacations as those requirements outlined (earlier) in this Article for the review of Primary Plats.

After hearing the petition, the Plan Commission shall approve or deny the plat vacation request. The Commission may approve the vacation of all or part of a plat only upon a determination that:

- 1) Conditions of the platted area have changed so as to defeat the original purpose of the plat;
- 2) It is in the public interest to vacate all or part of the plat; and
- 3) The value of that part of land in the plat not owned by the petitioner will not be diminished by the vacation.

The Plan Commission may impose reasonable conditions as part of any approval. The Commission shall furnish a copy of its decision to the County Recorder for recording. A petitioner or other interested party may appeal the Plan Commission's approval or disapproval of a plat vacation in the manner prescribed by IC 36-7-4-1016.

SECTION 282 –Vacation of Public Ways or Places

As identified in IC 36-7-3-12, persons who:

- 1) Own or are interested in any lots or parts of lots; and
- 2) Want to vacate all or part of a public way or public place in or contiguous to those lots or parts of lots;

may file a petition for vacation with the Dillsboro Town Council.

The petitioner's application must:

- 1) State the circumstances of the case;
- 2) Include a survey that meets all of the requirements for a Certified Survey, as set forth in Article 2, Section 260 of this order and as prepared by a registered Indiana Land Surveyor; and
- 3) Give the names and addresses of all owners of land that abuts the property proposed to be vacated.

The Dillsboro Town Council shall hold a hearing on a vacation petition within thirty (30) days after it is received. The clerk of the Council shall give notice of the petition and of the time and place of the hearing:

- 1) In the manner prescribed in IC 5-3-1; and
- 2) By certified mail to each owner of land that abuts the property proposed to be vacated.

The petitioner shall pay the expense of providing the required notice.

The hearing on the petition is subject to IC 5-14-1.5. Any person(s) aggrieved by the proposed vacation may object but only on the following grounds:

1. The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;
2. The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient;
3. The vacation would hinder the public's access to a church, school, or other public building or place;
4. The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

After the hearing on the petition, the Dillsboro Town Council may, by ordinance, vacate the public way or public place. The clerk of the Town Council shall furnish a copy of each vacation ordinance to the County Recorder for recording and to the County Auditor.

Within thirty (30) days after the adoption of a vacation ordinance, any aggrieved person may appeal the ordinance to the circuit court of the county. The court shall try the matter de novo and may award damages.

SECTION 284 - Resubdivision of Plats

The Planning Director or his designee shall determine the appropriate Subdivision procedure for modifying an existing, recorded Subdivision plat based on the following criteria. Any replat of a Subdivision that creates the same or less of an impact to any platted public right-of-ways or that does not increase the density of buildable lots, shall be permitted through the Secondary Plat or Certified Survey procedure. However, any replat that significantly alters the public right-of-way or increases the number of buildable lots shall be required to follow the Minor or Major Division review procedure. An Improvement Plan will be required if the replat results in construction changes to the Subdivision and/or the public right-of-way.

SECTION 288 - Revisions to Approved Primary Plats and/or Improvement Plans

In certain cases, a Developer or Applicant may find it necessary to make changes to the arrangement, size, number, or location of individual lots, streets, or utilities. These changes are recognized as a typical part of the development process. In general, the Improvement Plan, and Secondary Plat should be the same in design and layout as the approved Primary Plat. Any changes that are made to the approved Primary Plat shall be submitted to and reviewed by the Planning Director or his designee to determine if these changes are major or minor in scope. Major changes will require a new public hearing as identified in Section 208.

Any changes made to the Improvement Plan shall be submitted to and reviewed by the staff to determine if the changes are major or minor. Major changes will require the developer to reapply under the Improvement Plan procedure identified in Section 228. Minor changes shall be submitted as an as-built plan.

Major changes shall consist of any substantial increase in density, elimination of roadway connections, major realignment of roadways, major reconfiguration of lots and similar type changes.

SECTION 292 - Condominium Property Regime Plats

Condominiums are not regulated by this Ordinance but rather by I.C. 32-1 et seq. Horizontal Property Law. This law describes the procedure and process for creating and recording a condominium.

SECTION 294 – Disposal of Excavated Material

All surplus or unsuitable excavated material in the subdivision, including rock or large boulders, shall be disposed of by one of the following methods as determined by the Town Engineer:

1. Wasted adjacent to or incorporated in the regular construction where and as ordered by the Town Engineer.
2. Disposed of by the Subdivider at his own responsibility and expense outside the limits of the right-of-way.

Prior to the disposal of the waste materials, the Subdivider shall submit an executed copy of its contract or permission statement from the property owner to the Town Engineer. The contract or permission statement must recite that waste materials are not the property of the Town. Further, it must expressly state that the Town is not a party to that contract or permission statement and that the Subdivider and property owner will hold the Town harmless from any claim that may arise from their contract or permission statement.

SECTION 296 - Borrow or Disposal

Borrow shall consist of approved material required for the construction of embankments or for other portions of the work and shall be obtained from approved locations and sources outside the right-of-way. Borrow material shall be free of substance that will form deleterious deposits, or produce toxic concentrations or combinations that may be harmful to human, animal, plant or aquatic life, or otherwise impair the designated uses of the stream or area.

The proposed disposal site(s) for excavated material shall be identified before such material is disposed of within or outside the right-of-way. An inspection shall be in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetland.

If the Subdivider elects to use the site, all required permits shall be obtained. The Subdivider shall develop and construct all mitigation measures and fulfill all requirements detailed by such permits.

Before borrow or disposal operations are begun, the Subdivider shall submit operation plans for approval by the Town Engineer. Such plans shall include the following:

- a. a detailed sketch showing the limits relative to property and right-of-way lines;
- b. the grade of all slopes;
- c. an erosion control plan in accordance with the requirements of 237 IAC 15-5;
- d. the encasement, finished grading, and seeding procedures; and
- e. archaeological clearance.

Notice shall be given in advance of opening borrow areas so that cross section elevations and measurements of the ground surface after stripping may be taken and the borrow material may be tested before being used.

Except when a commercial source is utilized, a qualified archaeologist shall perform a record check and field survey of borrow or disposal limits to determine if any significant archaeological sites are within the limits. Results of the record check and survey shall be furnished in writing prior to the excavation of any material. If any archaeological sites are identified, the archaeologist shall establish the limits of the site along with a reasonable border. The site shall not be disturbed unless the archaeological site is cleared by established procedures and written authorization to enter the site has been issued. Under no circumstances shall an employee of the Contractor or the State of Indiana share in the ownership or profit from the sale of any archaeological artifacts that may be salvaged. No extension of completion time will be granted due to any delays in securing approval of a borrow or disposal area.

Unless written permission is granted, there shall be no excavation in a borrow area below the elevation of the adjacent properties within one hundred fifty (150) feet of the nearest right-of-way line of an existing highway, Town road, or city street; the nearest right-of-way line of a proposed highway, Town road, or city street; or adjacent property lines. If the properties adjacent to the borrow area are privately owned, the setback limit of one hundred fifty (150) feet may be lessened if written approval or permission is granted by the owner of the adjacent property, the excavation is in accordance with local zoning laws and requirements, and if lessening the limit is in the best interest of the State. Such minimum distance shall not be closer than fifty (50) feet to an adjacent property line. All excavated slopes of a borrow area shall not be steeper than 3:1 down to 2 feet below the ground water elevation. All excavated slopes two (2) feet below the ground water elevation shall not be steeper than 2:1.

Top soil from the borrow or disposal area shall be stockpiled for use in restoring the disturbed area. A minimum encasement of six (6) inches shall be placed on the 3:1 or flatter slopes. Final restoration of borrow or waste disposal areas shall include grading, seeding, or other necessary treatments that will blend the area into the surrounding landscape. Restored areas within one hundred fifty (150) feet of the nearest right-of-way line shall be well drained. Areas beyond one hundred fifty (150) feet shall be drained unless the landowner desires other treatment of the borrow area. Construction of borrow or disposal areas shall be in accordance with existing laws, regulations, and ordinances. Under no conditions shall borrow sites detract from the appearance of the natural topographical features nor increase the potential hazard to a vehicle that has inadvertently left the highway.

If granulated slag, dunes sand, or other granular material which is not suitable for the growth of vegetation is used, such material shall not be placed within one (1) foot of the required finished surfaces of shoulders and fill slopes. Additional material required to complete the embankment, such as sandy loam, sandy clay loam, clay loam, clay, or other materials suitable for the growth of vegetation and free from clods, debris, and stones, shall be furnished at the contract price for borrow.

Additional fill material may be secured from within the permanent or temporary right-of-way in lieu of borrow, or borrow either from vertical or horizontal extensions, or both, beyond the lines and elevations of roadway and drainage excavation as shown on the contract plans when authorized in writing. If additional material has been obtained without written approval, the material will be classified, either as to source or use, to the best advantage of the Department.

ARTICLE 3

DESIGN STANDARDS FOR SUBDIVISION REVIEW

SECTION 300 - Introduction

The following design standards are intended to assist a developer or property owner in creating a Subdivision and meeting the purposes of this Subdivision Control Ordinance. These standards are to be used in preparing a Primary Plat, Improvement Plan, Grading Plan, Secondary Plat and Certified Surveys.

The purpose of these standards is to establish minimum design and improvement standards for lots, streets, utilities, and other physical elements of a Subdivision or development. The developer's engineer or surveyor (Indiana Registered) shall design these aspects of the Subdivision or development and the Town of Dillsboro Plan Commission Staff shall review them.

SECTION 305 - Street Design

A. Street Names

Proposed streets, which are in alignment with other existing streets, shall bear the names of existing streets unless separated by an intersecting collector or arterial street, or a legislative or fire district boundary. In no case shall the name of a proposed street duplicate an existing street name, irrespective of the use of the suffix street, road, lane, avenue, boulevard, way, place, or court, nor shall a proposed street name phonetically approximate the name of any existing or approved street name in Dearborn County. Proposed street names are added to a master list or index (maintained by the Plan Commission) in order to reserve these names when the Primary Plat is approved. Street names on Improvement Plans and Secondary Plats shall follow the approved names listed on the Primary Plat unless approved through a subsequent review by the Planning Department. If street names are changed in comparison with the approved Primary Plat, then a revised Plat shall be submitted within thirty (30) days of the name changes reflecting the approved changes for the Planning Commission's and the appropriate legislative unit's files.

Street names on previously recorded Secondary Plats can be changed but the applicant must verify the proposed street name with the Planning Department and then make a formal request to the appropriate legislative body for any public street name to be changed. Private road name changes shall be changed through the Planning Department by application. The Secondary Plat shall also be amended and submitted to the Planning Department to reflect the new street name.

B. Building/House Addresses

The Planning Department shall assign Building/House addresses, once a Secondary Plat has been approved by the Planning Department and upon an application for a Zoning Permit to the Planning Department.

C. Transportation Management Regulations

All Subdivision proposals shall follow the requirements of Article 24 of the Town of Dillsboro Zoning Ordinance. Article 24, describes in detail Transportation Management Regulations, which include classification of roadways, minimum spacing of driveways, minimum corner clearance of driveways, minimum sight distances, maintaining capacity of roadways, design of access points (e.g. number, location, coordination, consolidation, and spacing), turning lanes, frontage roads, the review procedure and waiver of requirements. The applicant or subdivider shall also meet the requirements of Section 2524 of the Town of Dillsboro Zoning Ordinance, which describes frontage roads, setbacks.

D. Access to Arterial or Collector Streets

Where a Subdivision borders on or contains an existing or proposed Arterial roadway—or an existing or proposed Collector roadway that exceeds 1000 vehicle trips per day—all new access points involving either three (3) or more residential units or thirty (30) vehicle trips per day (regardless of the proposed use) shall not be permitted access to such streets without approval of the Commission Projects involving access to either to a Category I Collector roadway or access to a proposed use that generates more than ten (10) but less than thirty (30) vehicle trips per day—*on all other types of Arterial and Collector roadways*—shall require approval of the Technical Review Committee. Direct access to an arterial or collector roadway shall only be permitted if the other access scenarios such as local street access, frontage roads, shared driveways and other forms of access control are unacceptable, unsafe or inappropriate as determined by the Commission. All shared driveway accesses shall be identified on the Subdivision's Secondary Plat along with the appropriate covenants and restrictions that shall also be placed on each affected lot's deed. All proposed driveway and road / street accesses in a Subdivision must also meet the rules and procedures set forth in Article 24 of the Town of Dillsboro Zoning Ordinance.

E. Street Lighting

Streetlights may be required at intersections if the Commission feels they are necessary for pedestrian and vehicle safety reasons. If the Subdivider intends, or is required, to install streetlights within the Town street right-of-way, the location and installation of such lights shall not in anyway interfere with the Town's use of the right-of-way as determined by the Town Engineer. The Subdivider shall be responsible for the design, expense, installment, location, maintenance and operation of such street lights unless such responsibility is assigned to and accepted by a homeowners' association or other entity to include the Town.

F. Street or Road Classification

The Developer or Subdivider shall use **Table 3.1** to determine the design requirements and road classification type for existing or proposed streets. The Planning Director or designee shall determine the classification of streets where there is a discrepancy or the classification cannot be determined from the table. The classification shall be based on the Town of Dillsboro Zoning Ordinance and the definition of this Subdivision Control Ordinance. In addition, the standards established by this table may be amended by the Commission if it determines that it is necessary for reasons of safety, efficiency, maintenance, anticipated problems or future growth as advised by the Planning Department and Town Engineer.

Arterial System

Arterials are categorized by their linkages to cities or larger towns and they generally provide interstate or intercounty service. They are capable of attracting travel over long distances and have a spacing that is consistent with the population density in the county. See Zoning Ordinance Article 24 for a listing of the Arterial Roadways in the Town of Dillsboro. The roadways in this category are classified by sub-categories developed based on the ADT volumes on the facilities. As each sub-category serves a separate level of traffic, design criteria has been developed separately to accommodate these differences. For example, a high-volume arterial's design standards will be greater than that of a low-volume arterial. Example typical sections and criteria for each are illustrated in Appendix C of this Ordinance.

Collector System

The collector system generally serves intra-county travel as opposed to statewide movements. The trips associated with a collector are predominantly shorter than those associated with arterial routes. Consequently, lesser design speeds are used and the design standards are generally less than that of arterial routes. Collector routes provide service to smaller communities and provide connections to the arterial system. They are categorized as serving the more important intra-county routes. In order to further define the collector system sub-categories have been developed based on the ADT volumes on the roadway.

Local Roadways

The local roadway system in contrast to the arterial and collector system primarily provides access to adjacent land and to the wider network. It serves principally shorter trips and constitutes all roadways not classified as arterials or collector roads. To further designate this category and the design parameters required a set of sub-categories are defined based on the roadway traffic volumes. In some cases, as that of a subdivision for example, right of way is limited and numerous driveway cuts are needed. In these instances, a curb and gutter section may be required. An example curb and gutter section is illustrated in Appendix C.

Table 3.1 - Street Classification & Requirements

Type of Street - Category	Average Daily Traffic (ADT)	Min. Pavement Width	Min. Shoulder Width *	Rights -Of- Way Width **	Max. Street Grade	Design Speed (mph)
<i>Local - I</i>	<i>ADT < 400</i>	<i>20 ft.</i>	<i>4 ft.</i>	<i>50-60ft.</i>	<i>12 %</i>	<i>30</i>
<i>Local - II</i>	<i>400 < ADT < 3000</i>	<i>22 ft.</i>	<i>4 ft.</i>	<i>50-60ft.</i>	<i>11 %</i>	<i>40</i>
<i>Local - III</i>	<i>ADT > 3000</i>	<i>24 ft.</i>	<i>4 ft.</i>	<i>50-60ft.</i>	<i>10 %</i>	<i>45</i>
<i>Collector - I</i>	<i>ADT < 1000</i>	<i>24 ft.</i>	<i>4 ft.</i>	<i>60-70ft.</i>	<i>10 %</i>	<i>40</i>
<i>Collector - II</i>	<i>1000 < ADT < 3000</i>	<i>24 ft.</i>	<i>8 ft.</i>	<i>60-70ft.</i>	<i>9 %</i>	<i>45</i>
<i>Collector - III</i>	<i>ADT > 3000</i>	<i>24 ft.</i>	<i>10 ft.</i>	<i>60-70ft.</i>	<i>8 %</i>	<i>45</i>
<i>Arterial - I</i>	<i>ADT < 5000</i>	<i>24 ft.</i>	<i>10 ft.</i>	<i>80 ft.</i>	<i>6 %</i>	<i>45</i>
<i>Arterial - II</i>	<i>ADT > 5000</i>	<i>24 ft.</i>	<i>12 ft.</i>	<i>80 ft.</i>	<i>5.5 %</i>	<i>45</i>

NOTES: *Minimum shoulder widths will vary depending on the need and size of pavement section(s).

**Right-of-way widths will vary depending on the need and size of sidewalks, on-street parking areas, turning lanes, and the presence of utility lines.

See Appendix C for Street Sections and Geometric Design Criteria

The standards established by this table can be amended by the Plan Commission if determined necessary for safety, efficiency, maintenance, anticipated problems or future growth as advised by the Planning Department and Town Engineer.

G. Public Right-of-Way Width

The minimum width of right-of-way for a public street shall be as listed in **Table 3.1**. (See Definitions section for Type of Street) Additional right-of-way width shall be required whenever, due to topography or turn lanes, additional width is necessary to provide adequate earth slopes, accommodate additional pavement width and afford maintenance. Easements may be provided in lieu of additional right-of-way dedication for maintenance or construction in locations where additional right-of-way dedication would be problematic to lot development.

NOTE: Generally, signs, (other than street signs and traffic control signs) walls, fences, sprinkler systems and other obstructions shall not be located in public street right-of-ways unless approved within the Subdivision plans.

H. Additional Right-of-Way

Subdivisions that adjoin existing public street rights-of-way shall dedicate additional right-of-way according to the **Table 3.1** if the minimum right-of-way does not exist along the property road frontage. The entire right-of-way shall be provided where any part of the Subdivision is on both sides of the existing street; and one half of the right-of-way shall be provided, as measured from the centerline, for Subdivisions that are located only on one side of the existing street.

I. Pavement Width

No public street shall be constructed except in conformance with the minimum pavement widths as listed above in **Table 3.1**. (See Definitions Section for Type of Street)

J. Street Grades

Grades of both public and private streets in proposed Subdivisions or developments shall not be greater than as listed in **Table 3.1**. (See Definitions Section for Type of Street) The maximum grade may be waived however, upon request of the Applicant to the Town Engineer, if, due to topographic conditions, access is prohibited or requires excessive grading. The Town Engineer shall determine whether a waiver will be granted. To determine the waiver the Town Engineer shall review the slope percent proposed, length of slope, lot access, vertical curve at landing and drainage to determine if the waiver request can be permitted safely. The Town Engineer shall forward a letter indicating whether to approve the waiver and any conditions that are necessary for safety to the Planning Director.

K. Horizontal Curves

Central angles of horizontal curves shall be kept to a minimum unless there is sufficient radius length to minimize the severity of the curve. At no time shall the radius of the centerline of a proposed street be less than three hundred (300) feet for collector streets, and one hundred fifty (150) feet for local streets, except at intersections or divided roadways.

The tangent distance between horizontal curves of proposed street centerlines shall not be less than one hundred (100) feet for all streets.

L. Vertical Curves

Any change in grade of proposed streets shall be transitioned by a vertical curve. The minimum length for a vertical curve shall be fifteen (15) times the absolute value of the algebraic difference of the grades (in percent) of the two tangents for collector streets. The minimum length for a vertical curve shall be ten (10) times the absolute value of the algebraic difference of the grades (in percent) of the two tangents for sub-collector, local, cul-de-sac, and court streets.

M. Intersections

The two centerlines of proposed streets at their intersection shall be as nearly to a right angle as possible and that angle at no time shall be less than seventy-five (75) degrees. For Residential Subdivisions, the radius of the curve at the intersection of the two right-of-way lines shall not be less than twenty-five (25) feet, and for the intersection of the two pavement edges, the radius curve shall not be less than twenty-five (25) feet.

For industrial and Commercial Subdivisions, the radius of the curve at the intersection of the two right-of-way lines shall not be less than forty (40) feet, and for the intersection of two pavement edges, the radius curve shall not be less than forty-five (45) feet. The Commission may, in certain situations, increase the minimum radii based upon existing road conditions and traffic patterns. (See Appendix C)

There shall be no greater than four basic street legs at any proposed intersection unless the intersection is divided. Merging lanes, deceleration lanes, "Y" intersections, etc. are considered as being parts of one street leg or approach.

Proposed new intersections along one side of an existing-street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be permitted. Where a local street is proposed to intersect with an arterial street, the alignment of the streets shall be mandatory. Proposed street intersections with arterials shall be at least eight hundred (800) feet apart and at least eight hundred (800) feet from any existing street intersection(s) along the arterial. Proposed intersections with existing streets shall not be closer than one hundred and seventy-five (175) feet to an intersection of two existing streets as measured from edge of pavement.

Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection a leveling area shall be provided having not greater than a two percent (2%) grade at a distance of sixty (60) feet for collector or arterial streets and three percent (3%) for local streets as measured from the nearest right-of-way line of the intersecting street.

Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trimming trees) in connection with the grading of the public right-of-way to the extent deemed necessary by the Town Engineer to provide an adequate sight distance.

N. Dead-end Streets

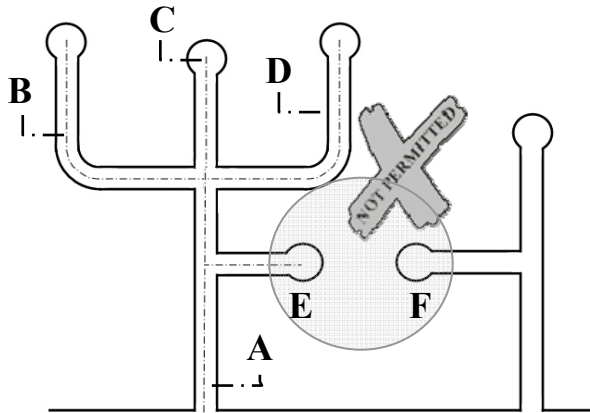
A dead-end street is a street, or a portion of a street, or a system of streets that is connected to other public streets from only one point of access. The regulations set forth in this Section shall apply to dead-end streets, portions of streets, or street systems. Proposed streets or street systems that do not conform with this Section shall require a Waiver, as outlined in Article 1.

Dead-end streets or street systems shall not serve more than 30 dwelling units for residential Subdivisions unless an acceptable alternative access is approved by the Plan Commission. An acceptable access alternative may include, but is not necessarily limited to: connectivity to an existing or planned open street or street system, wider streets, navigable sidewalks or medians, stub streets or an emergency access—as set forth later in this Section.

A dead-end street or street system shall not be more than twelve hundred (1200) feet in length. The length of a dead-end street or street system shall be the cumulative distance measured from the intersection of the centerlines of the dead-end street and the intersecting public street to the center of the radial turnaround(s) provided at the terminus of the street or street system. Please refer to Figures 3.1 & 3.2. This 1200-foot length requirement may be waived by the Plan Commission.

All turnarounds for dead-end streets must be approved through the Technical Review Committee and shall generally conform to the standards set forth in Appendix C. The radius of all turnarounds shall consist of fifty (50) feet of right-of-way and forty (40) feet of pavement for residential uses and sixty (60) feet of right-of-way and fifty (50) feet of pavement for commercial and industrial uses.

Figure 3.1



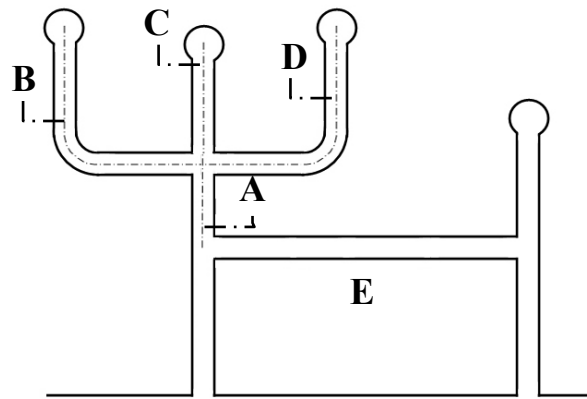
Improper Use of Dead-end Streets

Sum of A + B, C, D & / or E \geq 1200 feet

A + B + C + D + E \geq 30 units / lots

Second form of access required.

Figure 3.2



Proper Use of Dead-end Streets

Sum of A + B \leq 1200 feet

Sum of A + C \leq 1200 feet

Sum of A + D \leq 1200 feet

A + B + C + D \leq 30 units / lots*

**Excludes corner lots at the intersection of A*

Stub Streets as Future Accesses

Stub streets may be approved by the Plan Commission to eliminate the need for Waivers for a dead-end street system and to facilitate future street extensions and connectivity. When a stub street is indicated on the Preliminary Subdivision Plan or Improvement Plan as a future second access, the maximum number of residential lots permitted from one access shall be as follows:

- One access and one stub: 60 Lots
- One access and two stubs: 90 Lots
- One access and three stubs: 120 Lots

O. Street Connections to Adjoining Tracts or Areas

Street connections to adjoining developed or undeveloped tracts, or to existing or planned street systems, shall be required by the Plan Commission as outlined below. The purpose of this requirement includes the layout of the Subdivision, the staging of development, the opportunity for reasonable access alternatives to adjoining tracts, the necessity of providing through connections between collector or arterial streets, to distribute traffic patterns by providing alternative routes, and to provide convenient and efficient access for emergency vehicles, street maintenance, school buses, postal delivery, and other essential services. The street connection with adjoining property shall be constructed upon Secondary Plat recording of seventy five percent (75%) of the Subdivision lots as approved on the Primary Plat, or if the designated street in the Subdivision is within five hundred (500) feet of the required connection point.

The Commission shall consider the following criteria for requiring street connections or the provision of stub streets:

1. Street connections—or the provision of stub streets—to adjoining properties, or existing or planned street systems, must be feasible and practical. Connections will not be required if significant grading (slopes over twenty percent (20%) for several hundred feet) and/or the construction of a bridge structure would be necessary to make such connections;
2. The adjoining land should be compatible with the subject development as determined by current zoning and the current Comprehensive Plan;
3. Future desired transportation patterns as described by the current Comprehensive Plan and special funding projects recommended in the Transportation Plan shall be considered;
4. The Commission may require the connection of local streets, or the provision of stub streets, to adjoining tracts or areas in order to prevent the local street from becoming a cul-de-sac street which exceeds the maximum length permitted for a dead-end street;
5. Proposed street connections or stub streets to adjoining properties, or existing or planned street systems, shall be constructed in accordance to the same standards as their corresponding local public 'Street Type' (see Appendix C);
6. "Future Street Extension" & "No Outlet" signage must be placed at the entrances of future street extensions or stub streets and a barricade must be placed at their ends. These features must be identified on the Improvement Plans;
7. A notation must be included on the final plat to acknowledge that a street connection or stub street shall be extended during subsequent phases of adjacent development;
8. All temporary turnarounds must be provided in accordance with the terms set forth in Article 3, Section 305 and Appendix C of this order;

9. All street connections and stub street right-of-ways shall extend to the limits of the proposed subdivision. All stub streets shall be improved and extended at least twenty-five feet (25') into the right-of-way provided;
10. The end of any right-of-way that results in a connection or stub street shall not be used for frontage to individual lots.

Extension of Existing Streets or Stubs

An existing dead-end street or a stub street adjoining a proposed subdivision shall be extended if one (1) of the following applies:

1. A proposed subdivision provides a second point of access required for an adjacent subdivision;
2. The extension provides a second point of access required for the proposed subdivision;
3. Overall circulation of the surrounding neighborhood is improved by providing potential extension to multiple points of access;
4. To provide adjacent landlocked parcels with access without exceeding the maximum number of lots permitted on a dead-end street system in this Section.

P. Private Streets or Roads

Intent & Purpose

Private streets may be permitted in any zoning district. The intent of the private street standard is to allow limited lot splits without requiring public streets that are costly or inefficient to maintain. Private streets are not intended to be a method for reducing development costs, but rather a method of reducing maintenance costs to the public. Private streets serving six (6) or less units may be approved through the Minor Subdivision process if all necessary specifications have been submitted and reviewed by the Technical Review Committee and have been determined to be compliant with this Ordinance. All other applications or plans involving the establishment of a private street shall follow the Subdivision review process as outlined in Section 200(1).

Design Standards

All private streets must be centered within the easement and the easement must be a minimum of fifty (50) feet in width. A reduction of the easement width can be granted by the Planning Director for Minor Subdivisions for lots of record created prior to the adoption of this Ordinance that have limited road frontage along a public road or have other limiting width restrictions. The Commission can also reduce the easement width for Major Subdivisions for the reasons described above.

Private streets shall only be granted if the (existing) public street in which the private street has access to is at least 16 feet in width or allows sufficient two-way travel. The Technical Review Committee must also find that the proposed private street will not have a detrimental affect to the public street's level of service and safety.

The private street shall consist of a deeded access easement and maintenance agreement tied to each lot that is accessed by or uses the private street as road frontage. The statement "Private Street NOT Publicly Maintained" shall be provided in a conspicuous location on the Subdivision Plat and shall also be contained within the legal description of the deed for each lot served by the private street. In addition, a street sign with the statement above shall be located conspicuously at the entrance of the private street from the adjacent public roadway. This sign and the street sign shall be installed according to the Town of Dillsboro Department of Transportation standards, at the Subdivider's expense.

A private street must maintain a height clearance of at least 14 feet and may not serve more than six (6) additional buildable lots—unless a Concept Development Plan involving a rezone has been submitted and approved as outlined in Article 5 of the Town of Dillsboro Zoning Ordinance. A private street cannot access another private street unless both individually connect with a public street. For Major Subdivisions in which multiple private streets are proposed the Commission shall have discretion in granting approval of the private streets. The private street(s) shall not be granted if the Commission believes that the property can be more efficiently, effectively and safely divided with a public street(s). Private streets cannot be used during a re-platting of a recorded Subdivision unless approved by the Commission.

A private street shall be constructed, at minimum, to the same standard as its corresponding local public 'Street Type' (see Appendix C)—except for maximum allowable grade (15%) and pavement design, which shall consist of a minimum of eight (8) inches of No. 53 Compacted Aggregate Stone. A private street that dead-ends shall terminate with a cul-de-sac—unless it serves an agricultural residential use A private street will require a permit from the entity with jurisdiction over the public street with which it connects. Street names for private streets shall be proposed and approved as outlined in Section 305 A. See **Figures 3.2 & 3.3**

Figure 3.2 - Proper Use of a Private Street

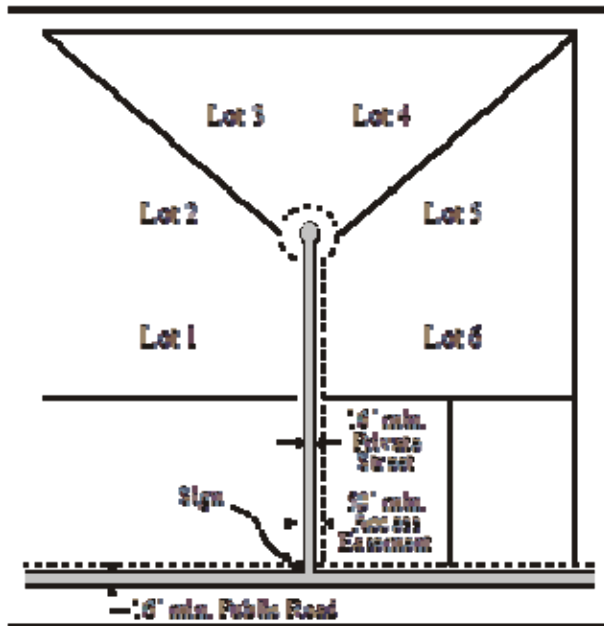


Figure 3.3 - Improper Use of a Private Street



Q. Extension of Non-Platted Existing Public Street

There exist within the Town of Dillsboro publicly maintained roads which are not platted and are maintained at a standard which is less than the required standard for newly constructed Town roads. In some situations, the road inventory maintained by the Town Engineer may contradict with the physical or the perceived termination of a public road. In these situations, the Town road can be extended by the Applicant if the following standards are met:

1. The extended road must have a minimum platted right-of-way of fifty (50) feet or a minimum twenty-five (25) feet half right-of-way;
2. Application must be made to the Town Engineer to have the maintenance of the road extended;
3. The road must be installed at a standard that is consistent with the existing road at the applicant's expense and must provide an adequate public turnaround. This standard shall be determined by the Town Engineer;
4. Property owners who adjoin the portion of the road to be extended shall be notified by certified mail at the applicant's expense ten (10) days prior to the hearing of the proposed extension if different than the applicant/owner;

5. The Dillsboro Town Council shall determine if the road extension shall be granted at a public meeting. The Council can use the following standards to assist in their determination of the road extension:
 - a. Would the extension of the road create a safety, maintenance or cost issue to the Town?
 - b. Would the extension have a detrimental effect to the existing public street's level of service and safety as proposed or if additional lot splits were created?
 - c. Does the extension of the street provide for a needed street connection?
 - d. Does the extension provide legal road frontage for a land locked parcel(s)?
 - e. Can access be provided to the parcel(s) in question with a private street?

R. Sidewalks

All Subdivisions or developments shall have sidewalks constructed according to the following standards:

- a. Sidewalks shall be required along both sides of all local streets in new residential Subdivisions that have an average density of two (2) dwelling units per acre or greater. However, sidewalks are not required along cul-de-sac streets serving 6 lots or less and are only required on one side if it serves 12 lots or less but more than 6 lots. The Commission can require sidewalks as described in this item if the Subdivision contains a large lot or lots that might skew the density calculations;
- b. Sidewalks shall be required along one side of all local streets in new Residential Subdivisions that have an average density of one (1) dwelling unit per acre or greater but less than two dwelling units per acres. The Commission can require sidewalks as described in Item A or B above if the Subdivision contains a large lot or lots that might skew the density calculations. Sidewalks are not required along cul-de-sac streets serving 6 lots or less;
- c. Sidewalks are not required for new Residential Subdivisions if the average density is less than one (1) dwelling unit per acre. The Commission can require sidewalks as described in Item A or B above if the Subdivision contains a large lot or lots that might skew the density calculations;
- d. Sidewalks may be required between blocks when determined by the Commission to be appropriate;
- e. A subdivider can propose paths or trails as substitutes for conventional sidewalks if the alternative system provides the same or better level of pedestrian access, upon approval by the Commission;
- f. Commercial and office Subdivisions shall provide sidewalks on both sides of all streets;

- g. The Commission in Industrial Subdivisions may require sidewalks if the Subdivision contains a mixture of office and commercial uses that will likely generate pedestrian traffic;
- h. The Commission, upon request of the subdivider can grant waivers of the sidewalk requirements, if extreme grading or construction techniques would be necessary to accommodate the sidewalks. In addition, the Commission can grant a waiver upon request, if the Average Daily Traffic (ADT) for the Subdivision is less than 250 trips per day;
- i. The Commission can require sidewalks to be placed along existing public streets where the Subdivision fronts if the Subdivision adjoins or is near other community services such as a school, library or existing sidewalks;
- j. Sidewalks shall be required along both sides of all new Subdivisions that require sub-collector, collector or arterial streets. Sidewalks shall only be required on one side if these streets do not have direct lot access.
- k. Sidewalks shall be constructed of a stable, firm, consistent, and slip resistant surface. Construction should consist of Portland Cement concrete on compacted subgrade and have a minimum depth of four (4) inches, except at driveways—unless an equal or better alternative is approved by the Town Technical Review Committee. The minimum depth shall be the same thickness as the driveway where the sidewalk passes through the driveway. In commercial or industrial zones, driveways shall have the same depth as the road leading to the parking area.
- l. Sidewalks must be at least (5) feet in width along all types / classes of streets and shall be located at least five (5) feet from the curb or the edge of the pavement if the sidewalk system is situated within a public right-of-way. The cross slopes associated with sidewalks shall not be permitted to exceed two (2) percent—in any portion of the sidewalk system, including driveway aprons and associated improvements. The running slopes associated with sidewalks shall not exceed the adjacent roadway gradient(s). Sidewalk systems that do not meet all of the construction standards set forth in this Section must be situated outside of the Town’s right-of-way and must be privately-constructed and maintained.
- m. At intersections and pedestrian crosswalks, curb ramps shall be installed. (See Appendix C.) Curb ramp assembly should include top and bottom landings, the ramp run itself, and an edge treatment.

The Developer of the Subdivision shall be responsible for the installation of sidewalks, to ensure continuity and compliance to ADA standards. Sidewalks must meet all applicable requirements and approved standards and shall be subject to inspections by: 1) the Town of Dillsboro Department of Transportation & Engineering—prior to the acceptance of any application for public improvements to be reviewed by the Town Council; and 2) the Dearborn County Building Department—prior to the County’s issuance of a Certificate of Occupancy. Roadways and their associated required improvements—including sidewalks—that have not been built to meet the standards set forth herein will not be accepted into the Town’s maintenance system.

S. Combination Bicycle/Pedestrian Paths

A path for joint use by bicycles and pedestrians may be provided within a public street right-of-way in accordance with the following standards:

- a. Combination bicycle/pedestrian paths shall be provided only on subcollector, collector, or arterial streets that have no vehicular access points for individual lots, that connect between other subcollector, collector, and/or arterial streets, or a public facility such as a school, park, library, etc.
- b. A combination bicycle/pedestrian path shall be provided on one side of the street. Where combination bicycle/pedestrian paths are provided, sidewalks are not required on the other side of the street as per Section 305R.
- c. Combination bicycle/pedestrian paths must be at least eight (8) feet wide and shall be paved in accordance with the requirements of the appropriate legislative body. At intersections and pedestrian crosswalks, wheelchair ramps shall be installed. (See Appendix C) Traffic control signage or signage for safety purposes shall be installed along the path in accordance with the requirements of the appropriate legislative body.

T. Street Paving and Street Signage

Street paving for Subdivisions or developments shall be carried out in conformance with the current Town Street Specifications as maintained by the Department of Transportation and the provisions stated in this document. Street signage installation, maintenance, and replacement shall be the responsibility of the developer until the appropriate legislative body has accepted the streets. New roadways shall be signed in accordance with the Indiana Manual of Uniform Traffic Control Devices for regulatory and warning signs.

U. Street Trees

Street trees, when provided, shall be installed in accordance with the current Town Street Specifications, and shall not be located in a manner that would conflict with either underground or overhead utility lines or easements. The minimum width of street rights-of-way which are planned to include street trees shall be increased a minimum of ten (10) feet above the minimum requirements stated in Section 305, Item F, "Public Right-of-Way Width." The spacing and arrangement of street trees shall be subject to approval by the Planning Commission Staff. Street tree species shall be subject to approval by the Planning Commission Staff.

V. Existing Public Streets

No Major Subdivision shall be permitted that is accessed from an existing public street which does not enable two-way travel, unless said public street is upgraded to the Town specification. In situations where the existing rights-of-way prohibit or restrict the street from complying with new road specifications in Table 3 in this Ordinance, the Town Engineer shall determine an acceptable street standard and width that affords safe two-way travel. All improvements shall be made at the Subdivider's expense from the entrance of the Subdivision to the nearest two-way public street. The Subdivider can be required to improve the ditch and drainage along an existing public street where the Major Subdivision adjoins if the Town Engineer determines the Subdivision will negatively impact the drainage of the public street.

The Commission can require road improvements to existing public streets when the level of service is increased due to the development of large Subdivisions that significantly add to the Average Daily Traffic (ADT) of the public street(s) they access. These improvements can include deceleration and turn lanes, road widening or intersection improvements if determined necessary by the Town Engineer. The intent of this requirement is to have improvements made to public streets that are needed, due directly to the impact of the new development and not fix problems that are in existence before the proposed development. If the Commission or the Town Engineer believe it is necessary, a traffic study as outlined in Article 24, Section 2448 of the Town of Dillsboro Zoning Ordinance can be required to determine the impacts and remedies of the proposed Subdivision. If the required street improvements cannot be accomplished within the existing public rights-of-way the applicant/owner shall work with the Dillsboro Town Council and the Town Engineer to secure additional rights-of-way necessary to facilitate the improvements.

Subdivisions that connect with existing public streets that do not comply with the sight distance requirements can be required by the Commission, as part of Subdivision approval, to make necessary sight distance improvements to the existing public street at the subdivider's expense. See Article 24, Section 2410 of the Town of Dillsboro Zoning Ordinance sight distance standards.

W. Curb and Gutter Requirements

All residential streets that have an average lot frontage of one hundred (100) feet or less shall be required to install curb and gutter according to Appendix C. All commercial, office and Industrial Subdivisions that have an average lot frontage of two hundred fifty (250) feet or less shall be required to provide curb and gutter according to Appendix C. Residential collector streets shall not be required to provide curb and gutter unless determined to be necessary by the Town Engineer because of drainage, maintenance or safety concerns.

X. Emergency Accesses

All Subdivisions will be evaluated individually to determine the type of emergency entry that may be appropriate to the access interior lots of a dead-end street or street system. The Plan Commission may permit the use of emergency accesses to address issues associated with dead-end streets or street systems that exceed the length, dwelling unit, and use requirements set forth in this Order—although no emergency access may be used for lot frontage. All final emergency access designs and materials shall be reviewed and approved by the Technical Review Committee and should generally conform to the following performance standards:

Surface:

Any approved all-weather driving surface that is designed to support the weight of up to 40,000 lbs. may be permitted. This may include asphalt, concrete, grass-crete, paving blocks, etc.

Width:

The minimum width shall be 12 feet.

Slope:

The maximum slope shall not exceed 15 percent.

Signage:

Approved signs or other approved notices shall be provided for emergency access to identify such and to prohibit the obstruction thereof. All signage shall be installed according to the Town Department of Transportation standards, at the Subdivider's expense.

Point of Entry:

Automatic or manual gates or alternative mechanisms may be required to restrict traffic movements onto emergency accesses. These items, if applicable, shall be installed according to the Department of Transportation standards, at the Subdivider's expense.

Turning Radius:

The minimum (centerline) turning radius shall be forty feet (40').

Vertical Clearance:

The minimum vertical clearance shall be 14 feet.

Maintenance of Emergency Accesses:

Right-of-way for all emergency accesses must be dedicated to the Town in accordance with approved design standards. During the Primary Plat review process, a Subdivider must indicate his intent to maintain the access as a private improvement—or whether these improvements are proposed to be maintained by the Town, once completed as required.

The Subdivider shall maintain all emergency accesses until such time that the required improvements are accepted by either a Homeowners' Association or the Town.

For privately-maintained emergency accesses, a deeded access easement and maintenance agreement shall be tied to each lot that is accessed by or abuts the emergency lane(s). All "Emergency Access" easements shall be noted in a conspicuous manner on the Subdivision Plat and shall also be contained within the legal description of the deed for each lot served by the emergency access.

If improved as required and accepted as a public improvement, the Town shall maintain the emergency access only to the extent that access will not be encroached, obstructed, or closed. Snow and ice removal maintenance will not be provided.

SECTION 310 - Blocks

Intersecting streets, which determine block length and width shall be provided at intervals that include existing street patterns, topography, and requirements for safe and convenient vehicular and pedestrian circulation. Blocks of proposed Subdivisions or developments shall not be less than two hundred forty (240) feet or more than twelve hundred (1200) feet in length.

SECTION 315 - Lot Arrangement and Sizes

The size, shape, and arrangement of lots in proposed Subdivisions shall be such as set forward in the current Town of Dillsboro Zoning Regulations and these Subdivision regulations. Rectangular shaped lots shall be encouraged in all zoning districts. Extremely irregularly shaped lots shall be avoided. Consideration of additional lot depth should be made when lots adjoin railroads, major utility easements, commercial or industrial areas or other conflicting land uses.

Side lot lines shall be as close to right angles with the street centerline as possible, or radial to curve street centerlines. Lot lines not at right angles with the street centerline, and lot lines intersecting with curved right-of-ways shall have a reference tie to the tangent line of that centerline curve. Lot lines of a Subdivisions should display an organized and uniform development pattern.

- a. Lot Size - The minimum size, width and area of a lot in a proposed Subdivision or development depends on the current zoning district that said Subdivision or section thereof lies in. The minimum size for the respective zone is contained in the current Town of Dillsboro Zoning Ordinance;
- b. Irregular Lots - Corner lots should be sufficiently large enough to allow building frontage on either street. Double frontage lots shall be avoided except where essential to provide separation of a residential development from arterial streets or to overcome specific disadvantages of topography and orientation. Double frontage lots can be restricted to one driveway in Residential Subdivisions;
- c. Flag Lots - Flag lots can be used in those locations where because of limited road frontage or geometric, topographic, or other natural features, it would be impractical to extend a public street. Flag lots shall have a panhandle extending to a publicly dedicated street for the purpose of access, and shall have two conforming, independently buildable lots adjoining the flag lot along contiguous road frontage.

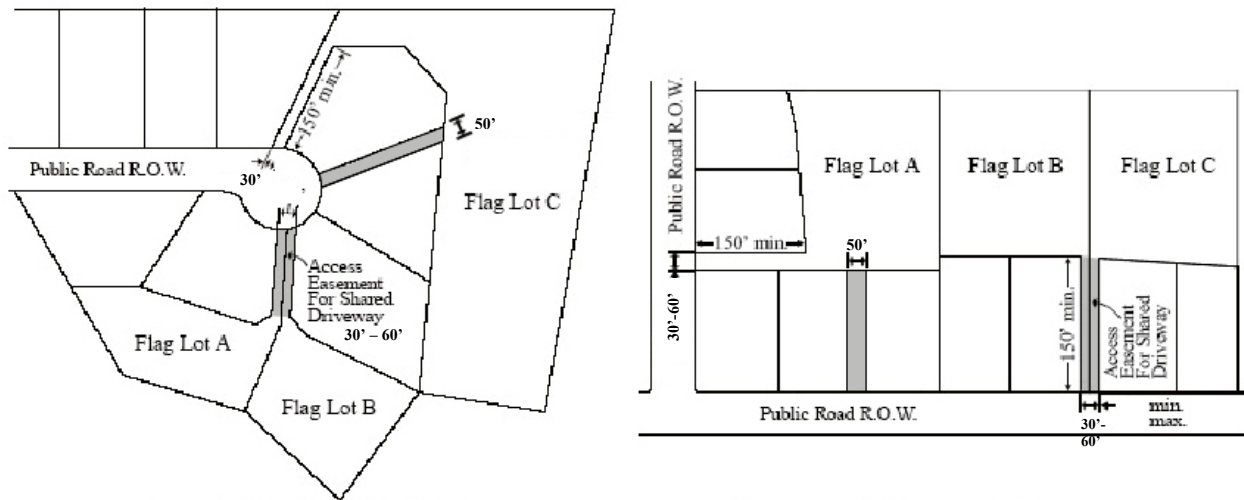
Single flag lots shall have a minimum of thirty feet (30') and a maximum of sixty feet (60') of panhandle width on a publicly maintained street. A second, contiguous flag lot may be accessed by the panhandle established for the initial flag lot land division; however, for two contiguous panhandle lots, an (equal) deeded strip of land for each lot is required for a common unobstructed access easement to the public street. The area of the access driveway of the flag lot shall not be included in computing minimum lot area requirements, as referenced in Article 25, Table 25.1 of the Town of Dillsboro Zoning Ordinance. The minimum front yard setback shall be thirty feet (30')—as measured from the lot line that is most parallel and closest to the public street, excluding the panhandle portion of the flag lot. All proposed access points on the land division plat shall contain the Land Surveyor's certification that indicates the approximate number of feet of sight distance that exists for both directions at the intersection with the public road—or the conditions that must be addressed to meet the requirements set forth in Article 24, Section 2410 of the Town of Dillsboro Zoning Ordinance. All flag lots shall have a panhandle for a minimum distance of one hundred fifty (150) feet from a publicly dedicated street—which can include where the panhandle turns, bends, opens, or increases in size. In no case shall more than two flag lots be contiguous to each other at the publicly dedicated street. The maximum number of flag lots permitted for each phase of a Major Subdivision (Improvement Plan submittal) shall not exceed fifteen percent (15%) of the total number of lots.

A driveway must be located within the panhandle of the deeded property for a flag lot, except in the following conditions, where this requirement may be exempted by the both the Planning Director and Town Engineer or their assigned designers:

- The driveway may be located within an access easement across an adjoining conforming lot provided: 1) the access easement is at least fifty feet (50') wide; and 2) the access easement serves no more than two new lots in addition to the adjoining, conforming lot on which it is located or exists.

Unless an exemption is granted as noted above, a driveway for a flag lot shall be located at a minimum of five (5') feet from each lot line. For all contiguous flag lots involving a common driveway, a joint access easement shall be shown across the entire width of both panhandles containing the common driveway on the final plat. All record plats and corresponding deed documentation shall contain an appropriate written agreement to assure the perpetual maintenance of the common driveway.

Figure 3.4: Proper Use of Flag Lots



- d. Lot Frontage - All lots in a Subdivision shall have the minimum frontage on a public or private street as stated for their respective zone under the current Town of Dillsboro Zoning Ordinance;
- e. Cemeteries - An Applicant, property owner or Subdivider has the option either to relocate an existing private family cemetery or preserve it and develop around an existing cemetery. In relocating a private family cemetery, an applicant, property owner or developer shall be required to follow applicable local and state laws. In preserving a cemetery, while at the same time developing a parcel, an applicant, property owner or developer has the following options:
 1. Transfer the existing cemetery as part of a buildable lot. Ownership and maintenance of the cemetery would be left to the individual lot owner.
 2. Make the existing cemetery a separate lot. Ownership and maintenance of the cemetery would be assigned by written agreement with either of Subdivision Homeowners Association, the developer of a Subdivision, a local legislative unit, or an historical organization.
 3. See Section 2570 of the Town of Dillsboro Zoning Ordinance for specific requirements regulating private cemeteries.

SECTION 320 - Water and Sanitary Sewer, and Private On-Site Waste Disposal

The following shall be the minimum standards for utilities (with the exception of storm water drainage; See Section 325). These standards are minimum requirements and more stringent local, county, town, state, or federal regulations may apply. In general, water and sanitary sewer service shall be designed to tie into a public system. It is recommended that utility construction doesn't occur until permission has been granted by the appropriate utility company or organization.

- a. Water Systems and Fire Hydrants - Connection into either an existing or planned public water supply system shall be required if the system is sufficient or can be expanded in order to provide an adequate amount of water to a proposed Subdivision. Where appropriate water supply lines shall be designed to loop back to existing or proposed systems. Fire hydrants shall be provided in all Subdivisions where public water systems are provided. Fire hydrants should be located with a maximum spacing of five hundred (500) feet, as measured along the street right-of-way. Fire hydrants should be located no further than two hundred fifty (250) feet from any building site, as determined by the applicable setbacks set forth by the Town of Dillsboro Zoning Ordinance if the specific building footprint is unknown at the time of platting. Additional hydrants are not required to serve a flag lot if a hydrant is located within 100 feet of the vehicular entrance to the flag lot and the panhandle is not more than three hundred (300) feet long.

Where existing public water mains that have existing fire hydrants are to serve a proposed Subdivision and no public water main construction is necessary, no additional fire hydrants are required unless the standards in this Paragraph (a.) above are not met. Fire hydrants shall be designed and constructed in accordance with the appropriate water and fire department district specifications. Public water supply systems shall be designed and constructed in accordance with the water utility provider. Individual on-site water supply systems (wells and cisterns) shall be constructed in accordance with the current standards and specifications of the state or local health department/district.

Major Subdivisions shall provide access to a public water system unless public water is not available within 1000 or more feet of the Subdivision property line, or the Subdivision is a low density with large lot sizes and a viable alternative water supply is available. In addition, if water capacity is not adequate for fire protection, an alternative fire protection system (i.e. dry hydrant) shall be required. The type of system shall be reviewed and approved by the Commission and applicable Fire Department;

- b. Sanitary Sewer Systems - Connection into either an existing or planned public sanitary sewer system shall be required if the system is sufficient or can be expanded in order to accommodate the additional flow from the proposed Subdivision. Sanitary sewer systems shall be designed and constructed in accordance with the sanitary sewer provider. Private lateral lines may only occupy the lot it is serving, except where approved by the appropriate utility.

- c. Utilities - Utilities such as electric, telephone, natural gas, and cable television shall be placed underground whenever possible, within minimum ten (10) feet platted easements, and must be constructed per applicable standards and specifications, which includes inspections by the appropriate legislative units, permit requirements and compaction requirements if necessary.

SECTION 325 - Stormwater Management, Drainage and Residential Lot Grading

Storm sewer systems are designed to collect and convey stormwater runoff from street inlets, runoff control structures, and other locations where the accumulation of stormwater is undesirable. The objective is to remove runoff from an area to avoid unacceptable amounts of ponding damage and inconvenience. No storm sewer shall be permitted to run into a sanitary sewer system within a proposed Subdivision. The design of the stormwater system in general, shall produce the same rate of stormwater runoff at post-development as the pre-development rate. Stormwater runoff from a site or Subdivision shall not adversely impact natural drainage from an uphill drainage basin or to a downhill drainage basin or adjacent properties. The property owner shall be responsible for stormwater drainage facilities located on private property where runoff will be principally collected within that property and be minimally discharged over a larger area before the stormwater naturally drains on adjacent properties, unless a large drainage basin exists or is being planned. Stormwater drainage easements shall be required if stormwater is directly discharging from a pipe to an adjoining property and not being dispersed on the subject property.

All storm sewer systems shall be designed and constructed per flows calculated on the 10-year storm frequency. Overflows shall be designed on the 100-year storm frequency. No living area shall be affected by the 100-year storm. Safety swales shall be designed to carry all runoff away from any residential structure.

For all areas of stormwater control that are not addressed by this ordinance or in which a conflict may exist, the current HERPICO Stormwater Drainage Manual shall be used as the regulatory source to address the conflict or provide the requirements for stormwater control as determined by the Planning Director.

Section 325.1 - Basic Design Criteria for a Storm Drainage System

A. Degree of Protection Required

The storm drainage system shall be adequate to handle the runoff from storms having various frequencies of occurrence for various degrees of site development, in accordance with the following general categories:

Table 3.3 - Frequencies of Occurrence

Conservation, agricultural and low density residential (2 acre lots or larger)	5-year frequency
All other residential and commercial	10-year frequency
Industrial areas	25-year frequency
For concentrated high value areas	50-year frequency
For flood control facilities	50 design 100 check year frequency

The runoff computed from these storm frequencies shall be from the area within the Subdivision and all other areas draining thereto.

B. Determination of Quantity of Runoff for Design of Storm Water Collection System

Each portion of the stormwater drainage collection system shall be capable of handling the peak flow of runoff. For drainage areas less than two hundred (200) acres, the method that shall be used is the "Rational Method." For areas greater than two hundred (200) acres, either the "Soil Conservation Service (SCS) Method" or the "Regional Method" of the Kentucky Transportation Cabinet, Bureau of Highways shall be used:

1. "Rational Method" where $Q = CiA$

Q = peak runoff quantity in cubic feet per second;

C = runoff coefficient varying with perviousness and other characteristics of the drainage area;

i = average intensity of precipitation in inches per hour, varying with frequency of storm occurrence, duration or concentration time, and area of the tributary watershed;

A = area in acres of the tributary watershed.

2. Runoff Coefficients: The runoff coefficient is the portion of the precipitation, expressed as a decimal, that will reach a given storm water facility. Each lot within a Subdivision contributes runoff from the roof, driveway, sidewalk and street. Generally, the smaller

Figure 3.5 - Intensity - Duration Curves Chart

the

lot width, the less impervious area. As the lot increases in width so does the impervious area. Weighted coefficients shall be used with the impervious areas $C = 0.90$, for all other areas see **Table 3.4a**. Residential developments shall be calculated using lot impervious areas as shown on **Table 3.4b**.

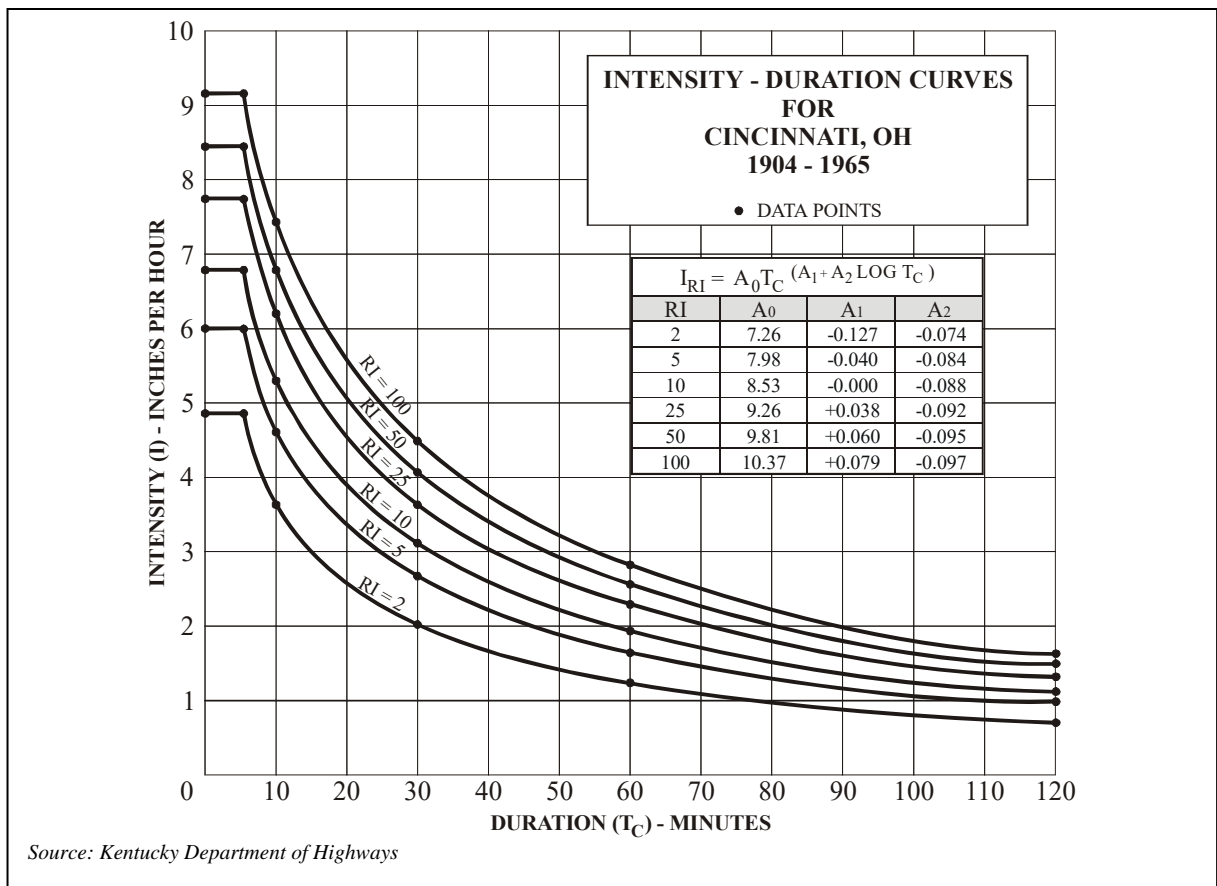


Table 3.4a - Runoff Coefficient/Undeveloped Land

VEGETATION & TOPOGRAPHY		SOIL TEXTURE		
		Open Sandy Loam	Clay & Silt Loam	Tight Clay
WOODLAND				
	Flat (0 - 5% Slope)	0.10	0.30	0.40
	Rolling (5 - 10% Slope)	0.25	0.35	0.50
	Hilly (10 - 30% Slope)	0.30	0.50	0.60
PASTURE				
	Flat (0 - 5% Slope)	0.10	0.30	0.40
	Rolling (5 - 10% Slope)	0.16	0.36	0.55
	Hilly (10 - 30% Slope)	0.22	0.42	0.60
CULTIVATED				
	Flat (0 - 5% Slope)	0.30	0.50	0.60
	Rolling (5 - 10% Slope)	0.40	0.60	0.70
	Hilly (10 - 30% Slope)	0.52	0.72	0.82

Table 3.4b - Runoff Coefficients / Land Imperviousness

<i>LAND USE</i>	<i>AVERAGE PERCENT IMPERVIOUS</i>	<i>HARD SURFACE AREA</i>
Pervious and/or existing pre-developed areas	Varies	Varies
Residential Uses Average Lot Size/Width		
3 Acre / 300 feet	6	8000
2 Acre / 200 feet	7	6750
1 Acre / 100 feet	12	5500
½ Acre / 100 feet	23	5500
12500 S.F. / 80 feet	34	5000
9000 S.F. / 70 feet	42	4500
7500 S.F. / 60 feet	44	4000
6000 S.F. / 50 feet	48	3500
6000 S.F. / 50 feet	65	3250
Multi-Family Residential	75	To be calculated
Commercial/Office	85	To be calculated
Industrial	72	To be calculated
Impervious Areas including: Streets, Roofs, Flatwork, etc.	72	To be calculated

3. Intensity of Precipitation: The "point" values of average precipitation intensity in inches per hour, at Cincinnati can be extrapolated from **Figure 3.5**. For any given storm duration (concentration time of runoff) the curves show the average precipitation intensity of storms having 2, 5, 10, 25, 50, and 100-year frequencies.

Table 3.5 - Time of Concentration

<i>CHARACTERISTICS</i>	<i>CONCENTRATION TIME</i>	
	Flat (Less than 2%)	Steep (More than 7%)
For Residential and Undeveloped areas	15 minutes.	10 minutes.
Residential on 1 acre or more lots	10 minutes.	8 minutes.

4. Concentration Time (T_c): The time of concentration (T_c) in minutes, is the estimated time it will take the storm runoff from the most remote part of the area to reach the point of the storm drainage system under consideration. This includes the time for water to flow over roofs, thru roof gutters and downspouts, over ground, turfed areas, streets, through street gutters to the nearest inlet of the drainage system plus the time of flow in the sewer pipes to the point under consideration.

Unless otherwise determined by overland flow charts (**Table 3.5**) or nomographs, the Time of Concentration (T_c) for inlets of storm water collection systems may be used as follows:

- a. At no time shall the Time of Concentration be greater than thirty (30) minutes for design of storm inlets.
- b. "Soil Conservation Service (SCS) Method" - All formulas, constants and data shall be used with regard to the current Manual from the U.S. Natural Resources Conservation Service.
- c. "Regional Method" of Bureau of Highways - All formulas, constants and data shall be used with regard to the "Regional Method" from the current Manual of Instruction of Drainage and Design, Kentucky Transportation Cabinet, Bureau of Highways.

C. Stormwater System Facilities

1. Flow times in sewers or conduits to the point of design may be determined from the hydraulic properties of the sewers upstream of that point, assuming average flow-full velocity at the proposed sewer slopes;
2. Pipe Capacities - Public storm sewer pipes shall be designed and constructed to carry peak flows as determined by the methods previously described. At the design storm the drainage system shall be designed and constructed as open channel (non-surcharged) flow. Sizes shall be determined by Manning's Formula.
3. Minimum Pipe Size - The minimum diameter for public storm sewer pipe shall be fifteen (15) inches for inlet headwalls and twelve (12) inches for systems with a catch basin at the initial point;
4. Minimum and Maximum Velocities - Velocities in public storm sewer pipes, when flowing full at average peak flows, shall not be less than two (2) feet per second. Velocities shall not exceed fifteen (15) feet per second at the flow's re-entrance into the natural stream, unless approved by the Planning Commission's Engineer. The outlet velocities of all headwalls shall be shown on the profiles of the storm water system;
5. Gradients of Pipe - The sewer pipe shall be laid on gradients so that the velocity (flowing full) shall be kept within the foregoing stated minimum and maximum unless other special provisions are made. Pipe sizes shall be so selected as to avoid large differences in velocities between consecutive reaches;

6. Hydraulic Grades - To ensure against surface ponding or street flooding due to surcharging, the hydraulic grade line (HGL) in any inlet or manhole shall not be higher than the inlet grade. The HGL shall be shown on all profiles of the storm water system.

Design and construction of all public storm sewer appurtenances shall consider the balance of energy plus the loss due to entrance in all structures having a critical change in horizontal or vertical alignment. In no case shall the difference in invert elevations be less than the result of equal crowns when a smaller pipe empties into a larger one. In no case shall storm sewer pipe sizes be reduced more than one standard increment of pipe diameter due to an increase in invert gradient after balancing the energy losses within the structure.

7. Manholes (Junction Boxes) - Manholes shall be constructed in accord with Standard Construction Drawings as shown in the current city/county street specifications. Drop manholes may be required to reduce the slope of any sewer that has a velocity that exceeds twenty (20) feet per second. Pipes shall not extend more than two (2) inches into the side of the manhole, and the invert of the outlet pipe shall be at the bottom;

8. Inlets (Catch Basins) -

Capacity: The capacity of the grate on the inlet should not be less than the quantity of flow tributary to the inlet. Inlets at low points or sags should have extra capacity as a safeguard for street flooding from flows overtopping the street curb. A safety swale designed for the 100-year storm shall be placed at all low points or sags. Curb openings on combination inlets shall be used for overflows in the event that the grate is clogged. Special inlets may be required for streets with steep gradients to provide the extra capacity such situations require. Inlets shall not be placed along the frontage of flag lots. Pipes shall not extend more than two (2) inches into the side of the manhole, and the invert of the outlet pipe shall be at the bottom.

Location: Inlet spacing shall be based upon gutter and inlet capacity, street slope and contributing drainage area. The spacing of inlets should ensure that street drainage generated along continuous grades or in sags will not damage and flood private properties or residential basements. For the design storm, no more than 5 cfs shall enter any grade inlet; no more than 8 cfs shall enter any sump inlet; and no more than 2.5 cfs is permitted to flow in side yards between houses.

- a. Along continuous grades (less than two percent (2%)) - 400 feet maximum;
- b. Along continuous grades (two percent (2%) and over) - 600 feet maximum;
- c. At sag locations (draining less than 2 percent (2%) grades) - 400 feet maximum between inlets or from a high point;
- d. At sag locations (draining 2 percent (2%) and over grades) - 600 feet maximum between inlets or from a high point.

Special consideration should be given to storm drainage entering cul-de-sacs. Additional inlets shall be required when drainage areas and/or street slopes are excessive. In addition to an inlet provided near the low point within the cul-de-sac two (2) additional inlets shall be required along each curb prior to the entrance of the cul-de-sac in accordance with the following criteria:

- a. For street slopes **less** than eight percent (8%) and draining more than four hundred (400) feet of pavement; and
 - b. For street slopes eight percent (8%) or greater and draining more than three hundred (300) feet of pavement.
9. Intersections - Storm water runoff crossing the intersection of a street shall be kept to a minimum;
 10. Outfalls - When a storm sewer system outfalls into a flood plain of any major watercourse, the outfall shall not be subject to frequent floods or backwaters. Standard headwalls and/or headwalls with wingwalls including rock channel protection as aprons as erosion control, shall be constructed for all outfalls. Suitable baffles or other energy dissipaters shall be provided if maximum velocities are exceeded. The invert of the first storm sewer appurtenance upstream of the outfall structure shall be above the elevation of the calculated 100 year flood plain. The calculated 100 year flood plain for all channels with a drainage area of more than 50 acres within the project shall be shown on the Improvement Plan;
 11. Culverts and Bridges - Culverts and bridges shall be designed in accordance with the methods given by the Indiana Department of Transportation as modified from time to time; except that storm water quantities to be handled by the culverts and bridges shall be determined on the basis described in these standards. The allowable headwater (AHW) shall not be greater than $H^W/D = 2.+$;
 12. Headwalls - Standard headwalls for pipe sizes twelve (12) inch thru twenty-four (24) inch and headwalls including wingwalls and aprons for pipes larger than twenty-four (24) inch, shall be constructed at the outfall of all storm sewers;
 13. Other Drainage Improvement Measures - Other drainage improvement measures may be undertaken to provide the necessary hydraulic characteristics required for adequate drainage. These other measures include stream bed clearing, removal or obstructions, stabilization of banks or areas to eliminate erosion, widening, deepening or realignment of streams, construction of ponds behind dams, or other measures for adequate drainage;
 14. Specifications for Construction and Materials - See Appendices.

Section 325.2 - Basic Design and Construction Criteria for Stormwater Drainage Channels, Water Courses

Open channels provide many advantages in the management and control of stormwater runoff. Such channels provide for natural infiltration of stormwater into ground water supply and extend the Time of Concentration (T_c) helping to maintain the runoff rate nearer to that which existed prior to development. The objective of open channel flow design is: (a) to determine a channel slope and size that will have sufficient capacity to prevent undue flooding damage during the anticipated peak runoff period; and (b) to determine the degree of protection based on stream velocity to prevent erosion in the drainage channel. Existing drainage channels, which will remain undisturbed, shall not be required to be reconstructed unless additional capacity and erosion control is required.

- A. Degree of Protection - The Subdivider shall ensure that stormwater drainage channels and water courses shall be adequate to handle runoff from storms of the frequencies of occurrence shown for the degrees of site development as follows:
1. For all Subdivisions and developments 25-year frequency;
 2. For main flood control channels – 100-year frequency. The runoff computed from these storms shall be that from the area within the Subdivision and from all other areas considered as fully developed in accord with development planned in the Town's Comprehensive Plan.
- B. Determination of Quantity of Runoff - Each portion of the stormwater system of drainage channels and water courses shall be capable of handling the peak flows as determined by the proper method previously described in Section 1.
- C. Drainage Channel Capabilities - Drainage channels shall be designed to carry peak flows as determined by the methods previously described. Channel cross-section areas shall be determined by Manning's formula, using a value of $n = 0.030$ for earth sections, $n = 0.020-0.025$ for aggregate linings, and $n = 0.015$ for paved sections.
- D. When open drainage channels require various lining types to attain ultimate design capacity, the earth sections of the drainage channel and its structure shall be designed and constructed to the ultimate design required.

Lining will not be required in the initial construction and may be delayed until development of the area produces runoff quantities large enough to result in erosive channel flows, unless drainage channel velocities are excessive initially.

- E. Erosion Control for Drainage Channels - Runoff flows in open channels may cause accelerated erosion. Such erosion can be controlled by limiting velocities, changing the channel lining, and reshaping the channel to spread the flow of runoff. Methods of controlling erosion in open channels include the following: (1) grass covers or sod; (2) Type II channel lining; and (3) reinforced concrete or precast paving. Erosion control for newly created or disturbed drainage channels shall be provided as follows:

1. Velocities of less than two (2) feet per second (fps). Design velocities should generally be greater than 1.5 fps to avoid excessive deposition of sediments. When flat slopes are unavoidable, concrete paving should be used to accelerate runoff;
 2. Velocities between one and one-half (1.5) feet and four (4) feet per second. The bottom and sides of the earth channel shall be seeded, mulched and fertilized to an elevation of three (3) feet above the design water surface. Seeding shall be a perennial or annual mixture of grass seeds at a rate of seventy-five (75) pounds per acre. Acceptable whole fertilizer shall be applied at a rate of seventy-five (75) pounds per one thousand (1000) feet. On slopes over five percent (5%), the bottom and sides of the earth channel shall be sodded and pegged to remain in place. Where seeding or sodding is required and the soil is not capable of supporting vegetation (such as, sandy soil or other clay types), appropriate action shall be taken to bring the soil to an acceptable condition which will support the growth of seed or sod;
 3. Velocities over four (4) feet per second. The bottom and sides of the earth channel shall be protected from erosion with an application of stone rip-rap, coarse aggregate and/or dumped rock channel linings. The type of application thickness and quantities shall be designed by the Town's engineer to ensure maintenance free permanent stabilization. Reinforced concrete pavement at least four (4) inches thick may also be used at bends, changes in alignment, junctions with other ditches, and at other locations where erosion is likely to occur. On slopes over ten-percent (10%), consideration should be given to the construction of larger sized channel linings, gabions (wire boxes) or paved channels with energy blocks or dissipaters to reduce excessive velocities and damage to receiving streams;
 4. Consideration shall be given for the construction of other methods of lining for erosion control including check dams, drop structures, gabions, etc. subject to approval of the Planning Commission's duly authorized representative.
- F. Drainage Channel or Water Course Relocations - In order to minimize hillside slippage near relocated drainage channels or water courses due to drainage channel depth or character of the earth in the drainage channel fill and side slopes, precautions shall be taken to compact the fill and side slopes, provision of under drainage, bank protection or reinforcing or other measures. Additional easement width shall be provided at such possible slide areas as determined by the Technical Review Committee.

Section 325.3 - Basic Design and Construction Criteria for Stormwater Runoff Control Facilities

These regulations affect all Subdivisions :

- A. General- In order to minimize runoff damage to downstream properties, sediment pollution of public and private waters and hydraulic overloading of existing drainage facilities, the stormwater runoff from a Subdivision after development shall not exceed the pre-development discharge from that Subdivision calculated by using a undeveloped runoff coefficient as detailed on Table 3.4a. Detention/retention basins shall be provided for all Subdivisions . These basins may be designed and constructed for each individual lot but regional basins are encouraged throughout the Subdivision or development. Such facilities shall be designed and constructed so that no standing water will remain in detention basins during dry weather, or the design of retention basins that will not allow standing water to stagnate and present health hazards. In certain cases, other non-basin detention/retention techniques such as underground vault storage may be utilized when approved by the Planning Department. The amount of water to be detained shall be determined by the method described in the following paragraphs using the design criteria as referenced in **Tables 3.1 thru 3.5**.

Stormwater Control Facility Volume Calculations Estimated Runoff shall be calculated by an accepted method that generates an inflow/outflow hydrograph such as the Soil Conservation Service (SCS) Method or Modified Rational Method (MRM). It is recommended that these methods are used through a computer program. All documentation shall be submitted for review by the Planning Commission Staff.

- B. Pre-Development Calculations - Calculate the Subdivision or development site runoff based on a 2 and 50-year storm frequency. The entire acreage contributing to the runoff shall be included in the calculations.
- C. Post-Development Runoff Calculations - Calculate the proposed ultimate development runoff based on a 2, 50 and 100-year storm frequency curve. The entire acreage contributing to the runoff shall be included in the calculations.
- D. Storage Requirement - The amount of detention/retention required for a shall be the amount determined from the inflow/outflow hydrograph as previously outlined based on the 50-year storm frequency. If the MRM is used by computer program, the storm duration used shall be the one that produces the maximum storage, if calculating by hand the duration shall be greater than the time of concentration.
- E. Discharge from Detention Basin - The discharge from the detention/retention basin shall be controlled by a multi-stage release outlet structure and not be greater than a pre-developed runoff rate based on a 2 and 50-year storm frequency at that particular point where the discharge occurs. The routing of an emergency spillway shall be shown based on the 100-year storm frequency. Trash racks shall be installed on the low flow outlet in detention basins.

Section 325.4 - Detention Basins/Retention Basins - Standards and Specifications

- A. Definition and Scope - These standards apply to permanent and temporary stormwater runoff, sediment and debris basins formed by an embankment, or excavation. These standards shall be used for the installation of basins on sites where:
1. Failure of the structure will not result in loss of life, damage to homes, or interruption of use or service of public utilities;
 2. Drainage area does not exceed two hundred (200) acres unless approved by the Commission;
 3. The water surface at the crest of the emergency spillway does not exceed five (5) acres;
 4. All detention basins shall be designed and built with side-slopes no greater than 3:1 (three feet horizontal per one foot vertical), paved channel bottoms and proper outlet structures to insure no standing water during dry periods;
 5. All retention ponds shall have dams that conform to all current State and Federal Regulations if applicable. In cases when the top of the dam is also a publicly dedicated street right-of-way, the developer shall have a geotechnical report prepared for and submitted to the Town Engineer with recommendation on the design and construction of the dam. If the Town Engineer believes that this dam would create maintenance or expense burden on the Town due to repairs or replacement, the Subdivider shall be required to place a permanent guaranty in an amount established by the Town Engineer or some other acceptable funding mechanism such as a Home Owners Association.

NOTES:

- a. All computations in this Section shall be prepared by a Registered Professional Engineer or Surveyor licensed in Indiana;
- b. All detention areas and methods shall be reviewed by the engineer or surveyor of the Commission and if applicable the Town Engineer to ensure compliance with the appropriate regulations of the Town;
- c. Fencing may be required when the location of the detention area is not easily observed or in the opinion of the inspector a safety problem would exist.

Section 325.5 - Residential Lot Grading and Drainage

A. Lot Grading - Lot grading shall be accomplished as follows:

Within the limits of the public right-of-way adjacent to street pavements, all final grading for grass strip, sidewalk, and yards to the building structure, shall comply with minimum and maximum grades in accord with typical sections for streets as shown in the Appendix C. For lots that drain toward the street, the areas between the right-of-way line and the curb shall be graded so that water drains to the street at a minimum grade of 1 inch per foot (approximately 8 percent) except where sidewalks are required. All grading behind the street shall be done in a fashion that does not allow ponding of water adjacent to the paved street. For lots that drain away from the street, the area between the right-of-way line and the curb shall be graded so that water drains away from the street at a minimum grade of ½ inch per foot (approximately 4 percent) except where sidewalks are required.

Top Soil: If grading results in the stripping of topsoil, topsoil shall be uniformly spread over the lots as grading is finished. Temporary silt barriers should be installed around stockpiled topsoil for erosion and sediment control.

Trees: As many trees as can be reasonably utilized in the final development plan shall be retained by the Subdivider and the grading adjusted to the existing grade of the trees where practicable.

B. Swales - Swales carry surface runoff from roofs, yards, and other areas to the rear of lots or along common property lines to streets or other drainage areas to prevent ponding of water near building structures or other portions of the lot. Surface drainage swales shall have a minimum grade of two percent (2%) and shall be constructed so that the surface water will drain onto a street, storm inlet, or natural drainage area. Swales for handling lot drainage shall be constructed as a part of final lot grading and be seeded and mulched or sodded as soon as possible to prevent erosion.

C. Roof and Subsurface Drains - Roof downspouts, footing or foundation drains shall be discharged onto the same parcel of land from which the water is generated. Roof downspouts should be piped to natural drainage areas away from the street or onto concrete splash blocks, which direct water away from the building structure into swales, or other natural drainage areas. Downspouts constructed toward the street shall be discharged on the surface as far back onto the lot as possible and in no case be closer than twenty (20) feet from the nearest edge of right-of-way (property line). All subsurface drains shall be constructed toward the rear of the lot or connected into the storm sewer system. Any connection into a storm sewer system must be approved by the inspector. Outlets for roof drains shall have erosion control in place at the outlet areas to minimize erosion on site.

Section 325.6 - Maintenance of Retention/Detention Areas

Unless dedicated to and accepted by a legislative body, the owner of each lot and/or the Subdivider shall be responsible for properly maintaining each retention/detention areas in order for such facility to function according to its design and purpose. Maintenance for the retention/detention areas shall be noted on the Improvement Plan, including access roads. If publicly dedicated, the area shall be included within the right-of-way and shown on the Secondary Plat. In Residential Subdivisions, all Detention Basins shall be deeded to the appropriate legislative body and the area shall be shown as a lot on the Secondary Plat. For any Retention Basin, only the appropriate inlets and outlet structures shall be dedicated to the appropriate legislative body. The area of the pond or lake shall be owned and maintained by the adjoining residents. This shall include maintaining the shoreline and removing sedimentation, and shall be included in the Subdivision's Restrictions and Covenants.

SECTION 330 - Soil Erosion and Slope Control

The developer of a proposed Subdivision or development shall be required to submit to the Planning Department a detailed plan for erosion and/or sedimentation control as part of the Improvement Plan, Grading Plan or Site Plan review for all sites that do not require a Rule 5 Permit from the Department of Environmental Management. For sites that do require a Rule 5 Permit, a copy of the approved plan review from the Dearborn County Soil and Water Conservation District will be required to be submitted for review. Any time the requirements listed below conflict with the Rule 5 requirements, the more restrictive requirement shall be followed. The plan shall contain proposed methods for slope stabilization, erosion control and water pollution abatement and shall be reviewed by the Planning Department. The Commission shall require that such a plan, or part thereof, be submitted with the Improvement Plan, Grading Plan or Site Plan.

- a. Prior Grading or Disturbed Site - No Improvement Plan, Grading Plan or Site Plan may be approved where the site has been graded, stripped, excavated, de-vegetated or otherwise disturbed so that slipping, erosion and/or water pollution has or may reasonably be expected to occur until such conditions are corrected to the satisfaction of the Commission;
- b. Soil Survey - The current "Soil Survey of Dearborn and Ohio Counties, Indiana" issued by the United States Department of Agriculture Soil Conservation Service in cooperation with the Purdue University Agricultural Experiment Station is hereby made a part of these regulations and will be used for informational and reference purposes;
- c. Erosion Control Measures - *(To the extent inconsistent, this Ordinance shall supersede the Erosion Control Ordinance of the Code of Ordinances.)* Per the current "Indiana Handbook for Erosion Control in Developed Areas" the following shall be followed:
 1. All exposed and graded land will be covered by mulch, permanent seeding, or temporary seeding, or a combination of seeding and mulch (hay, straw, or other natural fiber - spread for a seventy-five percent (75%) or greater ground coverage) within 45 days of exposure. Seeding rates, dates, and materials may be obtained from the local Natural Resources Conservation Field Office;

2. All exposed and graded land will be mulched at seventy-five percent (75%) or greater coverage;
3. Sediment basins (debris basins, desilting basins, or silt traps) shall be properly designed according to runoff and sedimentation load calculations and installed during initial grading at locations which will provide the best protection from off-site damages. The construction of diversions to direct runoff from disturbed areas into sedimentation basin(s) shall be installed at the earliest possible time before larger site grading occurs whenever possible. A multi-purpose basin used for a silt trap then converted to a detention/retention basin is encouraged if properly designed and located. This combination structure will need to be dredged periodically during construction activities and after stabilization in order to provide adequate storage;
4. Concentrated flow areas, including storm sewer entrances, will need proper water control barriers to slow the runoff for rill and gully erosion control. These barriers shall include rock check dams and a series of pegged straw bales or properly installed silt fence where needed;
5. Suitable site perimeter protection shall be provided below all bare areas regardless of slope percentage. In addition, silt fence or straw bale barriers shall be installed at all toe slopes eight percent (8%) or greater in slope;
6. Individual building sites will need erosion control barriers (silt fence or straw bales) below all bare land;
7. Individual building sites will be seeded (temporary or permanent) and mulched within 45 days of disturbance where land is void of grass vegetation;
8. Until all lot and street improvements in the Subdivision have been completed, the Subdivider shall take such measures as are necessary to prevent erosion of graded surfaces, and to prevent the deposit of soil and debris from graded surfaces onto public streets, into drainage channels or sewers, or onto adjoining land.

SECTION 335 - Rights-of-way Disturbance Requirements

Prior to placing any object within or disturbing Town of Dillsboro Right-of-way, a permit shall be obtained from the Town of Dillsboro. Failure to obtain a permit shall be construed as an encroachment and shall be subject to removal by the Town at the expense of the responsible party. The approved Improvement Plans shall serve as the required permit for right-of-way disturbance within Subdivisions but individual developments shall be required to obtain a permit from the Town Department of Transportation. The Town Engineer shall determine a financial guaranty as described in Section 410, depending on the proposed right-of-way disturbance or the bond amounts listed below.

No headwalls or other obstructions shall be allowed within the right-of-way that is higher than four (4) inches unless designed and approved as breakaway or mountable. Utilities shall install breakaway or flexible markers for utility location signs.

- a. Driveway Permit - Anyone wishing to connect a private driveway or new roadway on to a public road within the Town of Dillsboro shall be required to obtain a Driveway Permit. It is the intent of this regulation to adopt the same driveway permit standards as established in the "Indiana Department of Transportation Driveway Permit Handbook." Plans shall be submitted that provide the details as outlined within INDOT Permit Handbook or as required by the Driveway Permit application. A financial guaranty shall be established as necessary by the Town Engineer and remain in effect until released upon inspection by the Town Engineer. Traffic control shall be provided and the Town shall be held harmless from any and all claims, which are related to construction activities within the right-of-way. All ditches shall be set back from the edge of pavement as shown in Appendix C, unless otherwise directed by the Town. Ditches shall be seeded, sodded, have gutter installed or have Rip-rap installed as required. Mailboxes shall be installed with a minimum three (3) feet wide apron and the front face of mailbox shall be a minimum of three feet six inches (3'-6") from edge of pavement along existing public streets.

The Driveway Apron shall be constructed of consistent material as the existing roadway.

- b. Utility Installation - All construction and utility installations within the Town of Dillsboro's rights-of-way shall require a permit from the Town Department of Transportation. The permit is to be accompanied by a financial guaranty as identified in Section 410 of the Subdivision Control Ordinance. The financial guaranty amount shall be as established by the Town Engineer. A minimum amount of \$500.00 is established per permit with a minimum of \$2,500.00 per major road right-of-way cut. A yearly renewable guaranty may be obtained for an aggregate amount of \$12,000.00. The renewal date shall be January 1 for a yearly bond. Bonds on major road right-of-way cuts shall remain in effect for not less than one year after final inspection by the Town Engineer. A major road right-of-way cut shall be defined as any cut within the Town right-of-way where:

1. The surface width of cut is twenty-four (24) inches or greater, or
2. A cut that is parallel to the road surface or close proximity of the surface where the bottom of the trench is lower than a line running at a 45-degree angle from the edge of pavement where the pavement surface may be damaged by future settlement of the cut area. Cuts outside of the edge of pavement with a width of six (6) inches or less shall not be considered a major cut.

Plans or drawings of the proposed work shall accompany all requests for permits. The intent of this permit is to regulate construction within the right-of-way to limit damages to the highway system and maintain a safe highway system. It is not intended to establish a permanent location for utilities within the right-of-way. Utilities shall continue to be responsible for relocation as necessitated by future use of right-of-way.

- c. Road Cuts - It is the intent of the Dillsboro Town Council to limit the number of open cuts allowed across public roads. Care should be taken to limit the required road cuts necessary within a given project. Open or trench cuts will not be allowed across any paved roadway unless special permission is granted by the Town Engineer on a per cut basis. All road cuts shall be made expeditiously as possible to cause a minimal amount of delay or inconvenience to the traveling public.

No more than two hundred (200) LF of trench is to be open at one time. Maintenance on road cuts shall be required for one (1) year from date of patching. Any settlement during this period shall be repaired to the satisfaction of the Town Engineer. Ditches shall be re-established to the satisfaction of the Engineer. Ditches shall be repaired by seeding, sodding, or rip-rap as required by the Engineer.

- d. Trench Excavation and Backfill - Utility excavations in the right-of-way shall be backfilled to subgrade level according to Section 211 of the INDOT Standard Specifications with grade "B" Borrow. On steep grades (6% or greater), cuts that run parallel with the roadway surface either under, or within two (2) feet of the paved surface, shall be backfilled with clay material at its optimum moisture content and compacted to one hundred percent (100%) modified proctor. A lean concrete filler such as low strength mortar or flowable fill, must be used as trench backfill under any pavement.

The road surface shall be repaired to the minimum requirements for new construction or of the same thickness and type of materials as was existing whichever would provide the greatest structural capacity. Road cuts made through concrete pavements shall be repaired as directed by the Town Engineer.

ARTICLE 4

ASSURANCES FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

SECTION 400 - Completion Requirement for Public Improvements

Before the Staff can consider the Secondary Plat application, the Subdivider shall be required to:

1. Complete the required improvements in the manner prescribed by this Ordinance, the approved Primary Plat, Improvement Plan, and by the Subdividers Contract;
2. Follow the requirements as outlined within Section 430 and Article 5; and
3. Provide the Town with a maintenance bond that complies with Section 435.

SECTION 405 – Performance Guarantee Alternative to Completion Requirement

An alternative to the Subdivider's completion of the required improvements and installations prior to seeking Secondary Plat approval is to provide a financial Performance Guarantee. Required improvements and installations to be constructed shall include, but may not necessarily be limited to: streets, curbs and gutters, sidewalks, stormwater drain and sewer systems, sanitary sewer systems, water supply systems, street signs, monuments and the various appurtenances related thereto.

Prior to or at the time of the Secondary Plat approval, the Subdivider shall be required to provide a financial Performance Guarantee to ensure that all improvements and installations set forth in this Section are completed within two (2) years of the approval date of the Secondary Plat—or as set forth in an amended Subdivider's Contract.* The Subdivider's engineer or surveyor shall provide an itemized, detailed estimate of the cost for construction to assist the Town Engineer or his designee in the process of fixing the amount of the guarantee. The initial estimate approved by the Town Engineer or his designee must equal one hundred percent (100%) of the total estimated completion cost of all required improvements and installations including, but not necessarily limited to: streets, curbs and gutters, sidewalks, stormwater drain and sewer systems, sanitary sewer systems, water supply systems, street signs, monuments and the various appurtenances related thereto. The Town Engineer or his designee shall use the Subdivider's estimate as a guide to establish the dollar amount needed for the Performance Guarantee. The final amount established by the Town Engineer or his designee shall include a twenty percent (20%) contingency for any unforeseen expense(s).

The time period for financial Performance Guarantees shall correspond to the entire time that is necessary to complete all construction and inspections. The Town Engineer or his designee can reduce the Performance Guarantee amount proportionally for partial completion of the required improvements. The Town Engineer or his designee shall establish the Performance Guarantee amount within fourteen (14) days of receipt of the information listed above and notify the Subdivider in writing. If the Town Engineer or his designee has not responded within fourteen (14) days, the submitted amount shall become the amount for the guarantee.

All financial guarantees shall be deposited and placed under the control of the Planning Director, or his designee. The Planning Director will present monthly reports to the Plan Commission, Town Engineer and Town Clerk that detail the status of all financial Performance Guarantees. The purpose of these reports is to ensure that these entities remain informed of the subdivision review process associated with each development and to make certain that both Subdividers and financial institutions are notified in the following prescribed manner:

The Planning Director, or his designee, will notify the Subdivider and the affected financial institutions approximately ninety (90) days prior to the expiration of the Subdivider's Contract and its corresponding financial Performance Guarantee to determine if the required improvements have not been—or will not be—completed.

If the Subdivider has not completed the necessary improvements and installations within **thirty (30) days** prior to the expiration of the approved two (2) year period—or within a time extension approved in accordance with the terms set forth in this Section—the Planning Director and Town Engineer shall take the necessary steps to proceed with the construction of these improvements and installations, making use of the financial Performance Guarantee to the extent required.

Renewal Process, Detailed

*The completion period for the required improvements can be extended once for an additional two (2) years by submitting an amended Subdivider's Contract (proposal) and a corresponding financial Performance Guarantee to both the Town Engineer and the Planning Director. All requests pertaining to an extension must be submitted in writing at least sixty (60) days prior to the expiration of the effective Subdivider's Contract and corresponding financial Performance Guarantee; extensions shall only be issued if the Subdivider has been unable to complete the required improvements despite due diligence. All requests for renewals must be received, and completed, **thirty (30) days** before the expiration of the Subdivider's Contract and its corresponding financial Performance Guarantee to avoid a withdrawal as noted earlier in this Section.

SECTION 410 - Types of Financial Guarantees

A Performance Guarantee or Maintenance Guarantee authorized or required by these regulations shall be secured by one (1) surety bond, which must be obtained from a single financial institution licensed in the State of Indiana in the amount required to complete improvements as described in Section 405 and Section 435. The beneficiary of such financial guarantee shall be the Dillsboro Town Council or appropriate legislative unit. Financial Guarantees submitted pursuant to this Article shall comply with Certificates J and K of Article 7. A Subdivider's Contract shall be completed and attached to any financial Performance Guarantee. (See Article 7, Certificate I)

SECTION 415 - Governmental Units

Governmental units, to which these regulations apply, may secure financial Performance Guarantees by filing a certified resolution, or ordinance, with the Dillsboro Town Council. The resolution, or ordinance, must have been adopted by the unit's fiscal body and must affirm the unit's obligation and financial ability to complete the required improvements.

SECTION 420 - Temporary Public Improvements

The Subdivider, at the Subdivider's expense, shall complete, maintain, and remove all temporary public improvements required by this ordinance, the approved Primary Plat and Improvement Plan, and the Subdivider's Contract. The schedule for the completion, maintenance and removal of temporary improvements shall be incorporated in the approved Improvement Plan. The amount of the Performance Guarantee shall be adjusted to reflect the cost of the temporary improvements.

SECTION 425 - Cost of Required Improvements

All required improvements shall be made by the Subdivider, at the Subdivider's expense, without reimbursement by the Town, unless the Board expressly agrees to share in the cost of the required improvements.

SECTION 430 - Release of Financial Performance Guarantee

The Town Engineer may release the construction financial guarantee, but only if:

1. The Subdivider applies to the Town Engineer, in writing, for the release of the Performance Guarantee and provides accompanied by a certification signed by the Subdivider's engineer or surveyor. This certification shall state that, based on the information provided and to the best of his knowledge, all required improvements have been completed in the manner prescribed by this Ordinance, the Subdivider's Contract, and the approved Primary Plat and Improvement Plan(s). The certification of the Subdivider's engineer or surveyor shall also be accompanied by "record drawings." The record drawings shall be submitted as an up-to-date Improvement Plan, and shall contain all of the information set forth in Article 2, Section 232 of this Ordinance. Such record drawings must be prepared, signed, and stamped by the Subdivider's engineer or surveyor and must be submitted in both electronic (preferably CAD-based, where applicable)* and hard copy formats; and
2. The Board, or legislative unit with jurisdiction, has accepted the dedication of required improvements and a Maintenance Guarantee, if required, has been established.

The Town Engineer, in coordination with the Technical Review Committee, shall review the record drawings and any inspection reports provided by the Town's road inspector (See Article 5) to determine if the Performance Guarantee can be released. He will then notify the Subdivider in writing within fourteen (14) days of receipt of the letter of the decision and the amount and term needed for the Maintenance Guarantee, if required. (See Section 435) This guarantee must be provided prior to the release of the Performance Guarantee.

Any costs incurred by the Town in connection with a request for Performance Guarantee release (for example, without limitation, engineering inspection fees, legal fees, etc.) shall be borne by the Subdivider, regardless of whether the request is ultimately granted. A Maintenance Guarantee shall only be released when the Subdivider has paid such costs.

(*) Footnote:

The engineer's or surveyor's signature and stamp are not required on the electronic record drawings.

SECTION 435 - Maintenance Guarantee of Public Improvements

The Subdivider shall be required to maintain the improvements and to provide for snow and ice removal on streets. If the Town accepts the dedication and maintenance of such improvements, then the Town shall maintain the improvements and provide for snow and ice removal.

Prior to the Town's acceptance of the required improvements, and prior to the release of the financial Performance Guarantee, the Subdivider shall be required to post a Maintenance Guarantee if less than eighty percent (80%) of the proposed development is complete—unless a reduction is requested in writing and is subsequently authorized by both the Town Engineer and the Planning Director. The purpose of this financial guarantee shall be to ensure the satisfactory condition of the required improvements over a specified period of time and/or to complete any unfinished final improvements common in road construction, such as the finish course of asphalt. The length of time and amount of the Maintenance Guarantee shall be established by the Town Engineer, however, the minimum amount shall be no less than twenty five percent (25%) of the financial Performance Guarantee. This guarantee cannot be reduced prior to release. The Maintenance Guarantee shall be secured in the manner prescribed by Article 7, Certificate K for a minimum period of two (2) years. The release of the Maintenance Guarantee shall be by the same procedure as outlined in Section 430.

Any costs incurred by the Town in connection with a request for Maintenance Guarantee release (for example, without limitation, engineering inspection fees, legal fees, etc.) shall be borne by the Subdivider, regardless of whether the request is ultimately granted. A Maintenance Guarantee shall only be released when the Subdivider has paid such costs.

For Subdivisions developed in phases, the Town Engineer shall consider construction damage to the accepted phase of the Subdivision during construction of the remaining phases and adjust the Maintenance Guarantee amount accordingly. In addition, Maintenance Guarantee amounts shall be increased accordingly to add appropriate permanent termination points for roads that developed in phases in the event the subsequent phase(s) are not built. Also, improvements that were required to be connected by a designated phase of the Subdivision shall be added to the Maintenance Guarantee amount and shall not be released until such improvements have been completed.

SECTION 440 - Issuance of Permits

No building permit or zoning permit shall be issued for a Subdivision lot until the Subdivider has obtained Secondary Plat approval, has submitted a signed and approved Subdivider's Contract, and has completed—or provided an approved financial guarantee for—all of the required improvements, except sidewalks and the final pavement course.

SECTION 445 - Acceptance of Dedication Offers and Maintenance

The Commission's approval of a Primary Plat, Improvement Plan or Secondary Plat shall not be deemed to constitute or imply the Town's acceptance of any street, easement, park or other public improvement shown on the plat. Acceptance of dedication of streets, public areas, easements, and parks shall be by ordinance of the legislative unit as required by law. The Secondary Plat shall be endorsed with appropriate notes to that effect by the Subdivider. The Town may accept the dedication of such public improvements by appropriate official action.

SECTION 450 - Acceptance of Maintenance for Public Improvements

The Subdivider may petition to the Town Engineer in writing for acceptance of public improvements for maintenance by the Town of Dillsboro. The Town Engineer shall then, if warranted, certify to the Board or legislative unit with jurisdiction in writing that all required improvements have been satisfactorily completed according to Town regulations. This legislative unit may then upon ordinance or resolution at any duly advertised public meeting accept the maintenance of the certified improvements. A copy of the ordinance or resolution shall be provided to the Commission for its file.

ARTICLE 5

PROCEDURE FOR INSPECTIONS AND FEES

SECTION 500 - Construction Inspections

A company approved by the Town Engineer must perform inspections within the Town of Dillsboro and conduct all public improvement construction inspection. Each approved testing agency shall be certified by INDOT. At a minimum an approved inspection company must have a business license within the State of Indiana, meet the standards of ASTM E 329 and possess at least one million dollars of liability insurance (for errors and omissions). Annual renewal will be required and performed by the Town Engineer. The Subdivider can select and hire any company to perform the required construction inspections for the public improvements within their development, providing they meet the qualifications noted above. Inspection reports from non-approved companies are not acceptable and may result in the calling of the financial guaranty at the discretion of the Town Engineer. Nothing in this Ordinance precludes the Town Engineer or his designee from performing construction inspections or overseeing inspections performed by the approved inspection company on any given development. If adequate funding becomes available, Town employed inspection companies or employees will perform all required inspections. This will become the only acceptable form of inspection for public improvements and all fees associated with these inspections shall be paid by the Subdivider according to the established fee schedule current at such time.

The approved testing agency shall make inspections relative to the construction and installation of public improvements such as streets, stormwater facilities and driveway aprons among other things. This inspection also includes soil erosion control measures as it relates to public improvement construction and lot grading. The Building Department, as part of the building permit process, shall inspect sidewalks and individual lot soil erosion.

The following are the inspection steps that the Subdivider shall follow for concrete pavement and asphalt pavement. The licensed testing agency must perform all the listed inspections and certify that the improvements are installed according to the standards established by the Indiana Department of Transportation (INDOT) and this Ordinance.

Inspection Steps for Concrete or Rigid Pavement, Curbs and Gutters, and Sidewalks:

1. Preliminary Grading - This covers initial site grading as well as all fills;
2. Subgrade - prior to placing aggregate base;
3. Base - prior to placing concrete;
4. Storm sewers - Inspections shall be randomly performed;
5. Concrete (pre-final) - This shall include inlets;
6. Final

Inspection Steps for Asphalt or Flexible Pavement:

1. Preliminary Grading - This covers initial site grading as well as all fills;
2. Subgrade - prior to placing stone base;
3. Subbase - prior to placing asphalt base;
4. Storm sewers - Inspections shall be randomly performed;
5. Bituminous Base (pre-final);
6. Bituminous Surface;
7. Final

Notes:

- *Core samples will be performed by the Town of Dillsboro Department of Transportation & Engineering, or its approved testing company, to determine pavement thickness. All costs associated with core sampling shall be paid by the Developer.*
- *The Town Engineer or his designee must be notified by the testing agency once testing for each phase is complete. This notification must occur, at minimum, three (3) days prior to commencement of the next phase of construction to allow the Town Engineer or his designee sufficient time to review testing records and perform a visual inspection.*

An approved testing company is authorized to inspect all work done and all materials furnished. Such inspection, including final inspection, may extend to all or any part of the work and to the preparation, fabrication, or manufacture of the materials to be used. The inspector **shall not** be authorized to revoke, alter, or waive any requirements of the approved Improvement Plan drawings and specifications. Although, they are authorized to call to the attention of the contractor, any failure of the work or materials that do not conform to the approved Improvement Plan drawings and specifications. Any change in the approved plan and specifications shall require an as-built plan as outlined in Section 288 of this Ordinance that will be reviewed by the Planning Department and the Town Engineer. Minor changes that comply with the Ordinance shall be approved, as per the as-built plan and placed in the Subdivision file. Major changes will result in reapplication as outlined in Article 2 of the Improvement Plan and/or Primary Plat and the appropriate fee.

The owner, developer and/or general contractor shall contact and meet with the appropriate inspection official for the purpose of a pre-construction meeting. The purpose of this meeting is to discuss the project's timetable, local specifications and general information relating to the proposed development.

Before construction begins on the development the Subdivider shall submit to the Town Engineer, an Inspection Schedule prepared by an approved testing company hired to perform the construction inspections for the Subdivider. The inspector shall begin inspections at the time of construction and maintain inspections as the work progresses on each phase of the project until all construction is complete. During construction, any work determined by the inspector not to conform with the requirements of the approved Improvement Plans, and specifications found within the Ordinance shall be suspended and corrected prior to proceeding with that phase of the project or follow the as-built procedure described in Section 288.

After the final inspection an inspection report shall be filed with the Town Engineer that states that the improvements are complete and have been constructed in accordance with the approved Improvement Plan and the construction requirements of this Ordinance.

All construction shall be performed by (Indiana) *State-certified contractors that are licensed, insured, and bonded.

Note:

**Requires a Certificate of Authorization from the (Indiana) Office of the Secretary of State.*

SECTION 520 - Final Clean-Up of Site

Upon completion of construction work of the Subdivision or an individual lot, the Subdivider, developer, and/or contractor shall remove all debris or excess fill in connection with the completed work prior to Secondary Plat approval.

SECTION 530 - Review Fees

The Subdivider shall pay all fees for the review of a Primary Plat, Improvement Plan, Secondary Plat, Certified Surveys, and Grading Plan applications as specified in the approved Town Plan Commission Schedule of Fees.

SECTION 540 - Inspection Fees

An inspection fee shall be charged by the Town to the Subdivider or Applicant for inspections during the construction of public improvements if the Town employs the inspection company or if the inspection is performed by a Town employee. The fee shall be based upon a "Schedule of Fees" established by the Town Engineer. No fees will be charged by the Town to a Subdivider whose inspections are performed by an approved inspection company.

Where improvements are to be installed prior to Secondary Plat approval, no Secondary Plat approval will be given, nor shall such a plat be recorded, until all inspection fees are paid in full. It shall be the responsibility of the Subdivider to ensure that proper notice is given to the appropriate inspector. In the event Secondary Plat approval is given prior to the installation of the improvements, the guarantee posted by the Subdivider shall assure the payment of all inspection fees and no guarantees shall be released until all inspection fees are paid in full.

ARTICLE 6

DEFINITIONS

Unless otherwise specifically provided, or unless clearly required by the context:

1. Words and phrases that are defined in this Article shall be given their defined meaning when used in this Ordinance;
2. Words and phrases that are not defined in this chapter but that are defined in the Town of Dillsboro Zoning Ordinance or in the Town of Dillsboro Code shall be given their defined meanings when used in this chapter;
3. Technical words and phrases that are not defined in this chapter, or in the Town of Dillsboro Zoning Ordinance, or in the Town of Dillsboro Code, but that have established and appropriate meanings in law shall be given such meanings when used in this chapter;
4. Words and phrases that are not otherwise specifically defined shall be taken in their plain, ordinary and usual sense or as defined in current industry publication or references to include the current edition of Webster's Dictionary or by publication provided by the American Planning Association.

Definitions

Access Easement

A private way which provides access to lots, tracts or parcels of land and which meets the minimum standards set for in these regulations.

Accessory Building or Structure

A building, or structure, the use of which is customarily incidental and subordinate to the use of the principal building or the principal use of the land on which the structure is located. Where a substantial part of the wall of a building housing an accessory use is a part of the wall of the principal building or where an accessory building is attached to the principal building in a substantial manner, as by roof, such accessory building shall be considered a part of the principal building.

Administrator

The Planning Director or designee appointed by and/or delegated the responsibility for the administration of these regulations by the Subdivision Ordinance or Zoning Ordinance. This term shall be construed to include those planning staff members working under the direction of the Director.

ADT

Average Daily Traffic

Advisory Plan Commission

A Plan Commission serving a single local government jurisdiction established as defined under the Indiana Code 36-7-4-101 as amended.

Agency

See Public Agency.

Alley

A public or private right-of-way primarily designed to provide secondary access to the side or rear of those properties, which have principal frontage and/or access on a street.

Applicant

The owner of the land proposed to be subdivided or the Owner's agent or the Owner's legal representative or a person who owns a subordinate interest in the land and who has the Owner's consent to apply for a Subdivision of the land.

Arterial

See "Streets" defined in this Article.

Block

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries; railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Board of Commissioners

The duly elected Board of Commissioners of the County of Dearborn, Indiana.

Building Department

The Department within Dearborn County Government that under Indiana Law reviews building plans, issues building permits and inspects buildings or structure to ensure compliance with the Building Codes of the State of Indiana.

Building Line

The line that establishes the minimum permitted distance on a lot between the front-most portion of any building or structure and the street right-of-way line.

Building Permit

A certificate issued by the building permit official of a governing body that permits a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within the governing body's jurisdiction, or cause the same to be done.

Capital Improvements Program

A proposed schedule of all future, major Town capital improvements projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All projects that require the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the more durable, longer lived physical assets for the community shall be considered as major projects.

Cemetery

Land used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Cfs

Cubic feet per second

Checkpoint Agency

A public agency or organization that is called upon by the Commission to provide expert counsel with regard to a specific aspect of community development or that is required by law to give its assent before Subdivision may take place (e.g., without limitation, Indiana Department of Transportation, Indiana Department of Environmental Management, Federal Emergency Management Agency, Army Corps of Engineers, Public Service Commission, Indiana Stream Pollution Control Board, Indiana Department of Natural Resources, Indiana State Board of Health, Dearborn County Board of Health, or other Town departments or boards as necessary).

Collector Street

See Streets defined in this Article.

Commercial or Industrial Subdivision

Any Subdivision of land which involves land that is zoned or intended to be used for commercial, industrial or multifamily purposes as defined in these regulations and/or in Zoning Ordinance.

Commission

The Town Plan Commission and/or a delegate of the Town Advisory Plan Commission, unless the context indicates to the contrary.

Conceptual Layout

A drawing that generally illustrates, depicts, and/or describes a Subdivision development proposal (Primary Plat) for a specific piece of property. This plan is meant to illustrate prior to completed surveying or engineering data, how this property will be subdivided with all of the lots and streets prior to a detailed engineering plan. It is understood that after the final detailed engineering plans have been completed minor changes will likely result from the approved Primary Plat or as defined here Conceptual Layout.

Condominium

The division of building(s) and the related land into horizontal property interests meeting the requirements of condominiums as prescribed by Indiana Code 32-1 - 6-1 through 31.

Conservation Easement

An easement which restricts the use and/or guarantees preservation and/or maintenance of existing vegetation and/or other natural features within environmentally sensitive portions of the site.

Construction Bond

A financial guarantee from an institution licensed by the Secretary of State as a financial guarantor provided to cover the construction cost of public improvements in the case of default by the Subdivider. Sometimes referred to as a Performance Bond or Insurance Bond.

Construction Plan(s)

See Improvement Plan

County

The word County means Dearborn County, Indiana

County Auditor

The County official empowered to examine and settle all accounts and demands that are chargeable against the County and not otherwise provided for by statute.

County Recorder

The County official empowered to record and file Subdivision plats and deeds.

County Surveyor

The county official empowered to keep and maintain the legal survey record book and the corner record book.

Covenant

See restrictive covenant.

Cul-de-loop

A cul-de-sac with a center or island, that is intended to be used, for parking or open space purposes.

Cul-de-sac

See Streets

Department

The Town Planning Department and the staff thereof—which currently consists of the Dearborn County Department of Planning & Zoning, through inter-local agreement.

Designated Officials

Those officials of the Commission designated in the Subdivision Control Ordinance as required signatories of the certificate.

Developer

The word developer as used in this Ordinance has the same meaning as Subdivider or Applicant.

Drainage Swale

A natural or constructed waterway, usually broad and shallow covered with erosion-resistant grasses, used to conduct surface water from a field, diversion or other site feature.

Drainage System

Any combination of surface and/or subsurface drainage components fulfilling the drainage requirements of these regulations.

Drives, Private

Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way.

Driveway

An access to a public road for one residence or one tract of land.

Driveway Apron

The portion of the driveway lying within the Town right-of-way.

Driveway Shared

A single access to a public road shared by two or more tracts of land.

Dwelling

A structure or portion thereof that is used exclusively for human habitation.

Environmental Constraints

Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

Erosion Control Handbook

The Indiana Construction Site Erosion Control Handbook or any other erosion control handbook designated by Town ordinance or by official action of the Commission.

Escrow

A deposit of cash with the Commission in lieu of an amount required and still in force on a Performance or Maintenance bond. Such escrow funds shall be held by the Town Clerk.

Exempt Divisions

See definition of Subdivision.

Feasibility Report

A written report prepared by a registered professional engineer or a registered land surveyor pertaining to the suitability of the site for various types of water and sewage disposal systems, for drainage retention or detention; and the subsoil conditions for various methods of street construction.

Financial Institution

Any bank, trust company, corporate fiduciary, building and loan association, credit union, savings bank, bank of discount and deposit or industrial loan and investment company organized or reorganized under the laws of the State of Indiana.

Frontage

That side of a lot abutting on a street watercourse or lake and ordinarily regarded as the front of the lot. Lots shall not be considered to front on stub ends of streets and in the case of corner and through lots will be considered to front on both intersecting streets. Multiple frontage lots will be considered to front on each street, watercourse or lake.

Frontage Street

A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.

Grade

The rise over run of a street or other public way specified in percentage (%) terms.

Grading

The stripping, cutting, filling, spreading or stockpiling of soil, sand, gravel or stone or any combination or mixture thereof on a tract, parcel or lot.

Health Department and County Health Officer

The Dearborn County Health Department and the person(s) designated by the County to administer the state and local health regulations within the County.

Height, Building

The vertical distance from the average grade level adjoining the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and, to the average height between the eaves and the ridge for gable, hip and gambrel roofs.

Highway, Limited Access

See Streets.

Improvement Plan

The engineering plans showing grading, types of materials and construction details for the physical structures and facilities to be installed in, or in conjunction with, the proposed Subdivision.

Individual Sewage Disposal System

A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device approved by the Health Department to serve the disposal needs of one single-family residential dwelling. An individual sewage disposal system is a private sewage disposal system.

Interested Parties

Those persons who are to be notified by mail of a public hearing, or other action, on a proposed Subdivision of land. Namely, the applicant or developer of the property to be subdivided and the fee simple owners of those properties that share a common boundary line or point with the property to be subdivided or that would share a common boundary line or point with the property to be subdivided but for the existence of a public or private street. If an abutting property consists of common areas that are owned and/or maintained by a Subdivision/condominium property owners' association, the association, rather than the individual Subdivision lot/condominium owners shall be deemed the interested party for purposes of notice.

Intermittent Stream

A surface watercourse which flows typically only after significant precipitation events or during a particular season and contains evidences of a discernable streambed. The term intermittent stream does not encompass man-made drainage ways or natural swales, which lack a discernable streambed.

Interstate

See Streets.

Irrevocable Letter of Credit

A financial commitment provided by a lending institution, on behalf of a Subdivider, which cannot be revoked except as expressly stated in the terms of the agreement within the letter of credit.

Land Disturbing Activity

Any man-made change of the land surface including the removal of vegetative cover, the removal of trees and filling or grading, but not including agricultural land uses such as planting, growing, cultivating and harvesting crops, growing and tending gardens and minor landscaping modifications.

Land Divider

The owner of a parcel of land to be further divided pursuant to the exempt division regulations.

Legal Access

A platted access easement or the minimum required frontage on a street.

Legal Description

A description recognized by law, which definitely describes real property by reference to government surveys, coordinate systems or recorded maps; a description, which is sufficient to locate property without oral testimony.

Legal Drain

Any drainage system consisting of an open drain, a tiled drain, or any combination of the two, that is under the jurisdiction of the County Drainage Board as provided by IC 36-9-27, as amended.

Location Map

A map showing the location of the property proposed to be subdivided. Such a map shall show the closest cross streets in all directions.

Local Street

See Streets.

Lot

See the Town of Dillsboro Zoning Ordinance.

Lot Area

The area of horizontal plane bounded by the vertical planes through front, side and rear lot lines.

Lot, Corner

A lot situated at the intersection of two (2) streets. A corner lot has a front yard on each abutting street

Lot Depth

The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line. The lot depth of a multiple frontage lot may be determined from any of its front lot lines.

Lot Improvement

Any building, structure, or other object, or improvement of the land on which such objects are situated that constitute a physical betterment of real property.

Lot Line, Front

The lot line abutting a street, watercourse or lake. Corner lots and through lots have at least two front lot lines, multiple frontage lots may have more than two front lot lines.

Lot Line, Rear

The lot line that is opposite to and most distant from the front property line. In the case of a triangular or irregularly shaped lot, the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to the front property line at a maximum distance from the front lot line. If the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint. A lot may have more than one rear lot line.

Lot, Substandard

A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

Lot, Through

A lot having frontage on two parallel or approximately parallel streets or on a street and a watercourse or lake. A through lot has a front yard on each abutting street, watercourse or lake.

Lot Width

The horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building line. The width of a multiple frontage lot shall be determined at all of its building lines.

Maintenance Bond

A financial guarantee from an institution licensed by the Secretary of State as a financial guarantor provided to insure the performance of a public improvement for a specified period of time and to cover the cost of any unfinished improvements in the case of default by the Subdivider. Sometimes referred to as a Performance Bond or Insurance Bond.

Major Subdivision

Any Subdivision not classified as a Minor Subdivision or as an Administrative Division of Land, including but not limited to Subdivisions of eight (8) or more buildable lots in addition to the Parent Tract, or *any* size Subdivision requiring any new street or extension of the facilities, which require public maintenance by the local government.

Map

A representation of the earth's surface, or any part thereof, in signs and symbols, on a plane surface, at an established scale with a method or orientation indicated.

Master Plan

See Comprehensive Plan.

Minor Subdivision

Any Subdivision containing seven (7) buildable lots or less, in addition to the Parent Tract, that is located along an existing public street or private drive. This type of Subdivision does not involve any new public street or extension of the facilities, which require public maintenance by the local government.

Non-Buildable Parcel

A parcel of land that is created on which a principally permitted use, as defined and permitted by the Town of Dillsboro Zoning Ordinance, is not permitted to be constructed. This parcel will be label on the plat and within the deed as non-buildable.

Non-residential Subdivision

A Subdivision intended for nonresidential use, such as commercial or industrial. Such Subdivision shall comply with the applicable provisions of these regulations.

Official Map

The map or maps established by the Town pursuant to law showing the existing and proposed streets, highways, parks, drainage systems, and setback lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the Town or additions thereto resulting from the approval of Subdivision plats by the Commission and the subsequent filing of such approved plats.

Ordinance

The word Ordinance shall have the meaning of Subdivision Control Ordinance unless otherwise stated.

Open Space

Total horizontal area of all portions of the lot not covered by buildings, structures, streets, parking areas or paved walkways.

Owner

Any person listed in the records of the County Auditor and/or County Recorder as having title to land sought to be subdivided under these regulations. For purposes of these regulations, any land, which is involved in a contract purchase, may be subdivided only if both the contract purchaser and the contract seller sign the application for such Subdivision.

Parcel

A part or portion of land having a legal description formally set forth in a conveyance instrument (e.g., a deed) together with the boundaries thereof, in order to make possible its easy identification.

Parent Tract

An existing lot, parcel, or tract of land as established and referenced by deed and plat in the Dearborn County Recorder's Office.

Performance Bond

A financial guarantee from an institution licensed by the Secretary of State as a financial guarantor provided to insure the performance of a public improvement for a specified period of time and to cover the cost of any unfinished improvements in the case of default by the Subdivider. Sometimes referred to as a Maintenance Bond or Insurance Bond.

Person

A natural person or legal entity

Planning Department

Staff hired by the Plan Commission to perform the daily responsibilities of the Plan Commission.

Planning Director

The individual appointed by the Plan Commission to administer, interpret, and enforce the provisions of the zoning regulations and subdivision ordinance pursuant to the provision of this order.

Plat

A map, drawing or plan indicating the Subdivision or re-subdivision of land which is filed or intended to be filed with the Commission for approval under these regulations and with the County Recorder for recording.

Plat Committee

The Dearborn County Plat Committee, also known as the Technical Review Committee, appointed by the Commission may hear Subdivision proposals which do not involve the opening of new public ways and that comply in all other respects with these regulations and with the Zoning Ordinance. **The Dearborn County Plat Committee shall also serve as the Town of Dillsboro's Plat Committee, with the addition of the Town Manager and a plan commission / public utility rep.*

Primary Approval

An approval (or approval with conditions imposed) granted to a Subdivision by the Commission after having determined in a public hearing that the Primary Plat of the Subdivision complies with the standards prescribed in this Ordinance.

Primary Plat

The preliminary drawing or drawings described in these regulations, indicating the proposed manner or layout of the Subdivision to be submitted to the Commission for approval.

Private Water System

Any plumbing system for providing potable water to a lot or parcel of property that is not constructed, installed, maintained, operated and owned by a municipality, a taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private water system is typically a well drilled to serve a single lot.

Property Line

The boundaries of a lot of record excluding any right-of-way.

Public Agency

An agency or government department acting under the aegis of and representing an elected or appointed council, commission, or other policy-making or advisory body of federal, state or local government to whom it is responsible.

Public Hearing

Public Hearing means, after proper publication of notice as required herein at which the public can comment upon the matter at issue and which complies with Indiana Law.

Public Improvement

Any drainage facility, street, thoroughfare, highway, parkway, sidewalk, pedestrian or bike-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public Sewage System

Any sewage disposal system constructed, installed, maintained, operated, owned or defined as a public sewage, disposal system by a municipality, taxing district possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose.

Public Water System

Any water system that is constructed, installed, maintained, operated, owned or defined as a public water system by a municipality, taxing district or a corporation or organization possessing a Certificate of Territorial Authority issued by the Indiana Utilities Regulatory Commission and established for that purpose.

Registered Land Surveyor

A land surveyor properly licensed and registered or, through reciprocity, permitted to practice in the State of Indiana.

Registered Professional Engineer

An engineer properly licensed and registered in the State of Indiana or, through reciprocity, permitted to practice in the State of Indiana.

Regulatory Flood

The flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; this flood has a probability of occurrence of one percent (1 %) in any given year.

Regulatory Flood Elevation

The maximum elevation, as established by the Indiana Department of Natural Resources reached by the Regulatory Flood at the locations in question relevant to approval of a given Subdivision.

Regulatory Floodway

The channel of a river or stream and those portions of the Flood Plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the Regulatory Flood of any river or stream as shown on the Flood Insurance Rate Map Maps of Dearborn County, Indiana, as prepared by the Federal Emergency Management Agency.

Re-plat

A change in a map of an approved or recorded Subdivision plat which affects any street layout on such map or area reserved thereon for public use, or any lot line, or setback; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling Subdivisions.

Required Improvements

The public improvements lot improvements and/or landscaping features required by these regulations, by primary approval and by the Subdivision improvement agreement.

Restrictive Covenant

Private limitations of various kinds on the usage of lots or parcels of land within a Subdivision which are proposed by the Subdivider that are recorded with the plat and run with the land. These covenants are not enforceable by the Plan Commission and have no bearing upon decisions made by the Plan Commission. Any decision made by the Plan Commission has

Right-of-way

A strip of land (other than an easement) occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline water main, sanitary or storm sewer main, special landscaping, drainage swale or for another special use. The usage of the term "right-of-way" for land platting and zoning purposes shall mean that every right-of-way hereafter established and shown on a Secondary Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the Subdivider on whose plat such right-of-way is established.

Road(s)

See Street(s).

Roadway

The portion of the street right-of-way that is surfaced and available for vehicular movement. Roadway width shall be measured between the edges of the curbs, which are furthest from the street pavement.

Same Ownership

Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Secondary Plat

The map, drawing, or plan, described in this ordinance, of a subdivision (including any accompanying material) submitted to the Commission for final approval which, if approved and signed by the designated officials, may be submitted to the County Recorder for recording.

Secondary Plat Approval or Secondary Approval

Commission approval of a Secondary Plat of a Subdivision the construction of which has been completed or secured by a performance bond and financial guaranty.

Sectionalizing or Phasing

A process whereby an Applicant seeks Secondary Plat approval on only a portion of a plat, which has been, granted Primary Approval.

Section Corner

A corner established as part of the United States Public Land Survey System used for horizontal control in describing land.

Sewage

The water-carried waste derived from ordinary living processes, including, but not limited to, human excrete and waste water derived from water closets, urinals, laundries, sinks, utensil and clothes washing machines, bathing facilities or similar facilities or appliances.

Sewage Disposal System

Any arrangement of devices and structures used for receiving, treating, disposing or storing of sewage.

Soil Survey

The National Cooperative Soil Survey Project by the United States Department of Agriculture, Soil Conservation Service (now Natural Resources Conservation Service) in cooperation with Purdue University.

Spite Strip

An unbuildable, usually narrow, strip of land situated between a property line and a proposed road or street right-of-way, the primary purpose of which is to prohibit access to the street or right-of-way from the adjacent property. The creation of a spite strip is not permitted.

Staff

The staff of the Plan Commission or Planning Department.

State Acts

Such legislative acts of the State of Indiana as they affect these regulations.

State Plane Coordinate's System

A system of plane coordinates, based on the Transverse Mercator Projection for the Western Zone of Indiana, established by the United States Coast and Geodetic Survey for the State of Indiana.

Streets

Improved land right-of-way that provides the principal means of vehicle access. The following shall be used to classify all streets:

- Arterial: Public thoroughfares, which serve the major movements of traffic within and through the community. Arterials connect centers of population and economic activity with the state or federal highway system.
- Collector: Public thoroughfares, which serve to collect and distribute traffic primarily from local to arterial streets.
- Cul-de-sac: A street having an outlet at one end only and having the other end permanently closed with facilities permitting vehicles to turn around. These permanent dead-end roads are intended to serve only adjacent property owners and shall not be extended.
- Court: A street having an outlet at one end only and terminated at the other end with facilities permitting vehicles to turn around. This type of street serves six (6) residential lots/units or less.
- Expressway: A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.
- Freeway: A divided multi-line highway for through traffic with all crossroads separated in grades and with full control of access. (Or Interstate)
- Frontage Road: A parallel street adjacent to a freeway, expressway, or arterial street that provides access to adjoining properties.
- Local: A street designed to be used primarily for direct access to adjoining properties.
- Public: A public roadway, constructed and or maintained by the federal, state, county, city or town government normally with dedicated public right-of-way which affords the principal means of access to abutting property.

Streets, Classification

For the purpose of providing for the development of the streets, highways, and rights-of-way in the Town, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, and right-of-way, and those located on approved and filed plats, has been or will be designated on the Official Map of the Town or Thoroughfare Plan and classified therein. The classification of each street, highway, and right-of-way is based upon its location in the Town, its present and estimated future traffic volumes and its relative importance and function as specified in the Town Comprehensive Plan and/or its Thoroughfare Plan component. The required improvements shall be measured as set forth for each street classification on the Official Map.

Street Right-of-Way Width

The width of the street right-of-way measured at right angles to the centerline of the street.

Subdivider

Any person who, having a proprietary interest in land, causes it, directly or indirectly, to be divided into a Subdivision; or who, directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a Subdivision; or who engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development a Subdivision of any interest, lot, parcel site, unit, or plat in a Subdivision; and who is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Subdivider's Contract

An agreement by the subdivider with the Town that clearly establishes the subdivider's responsibility regarding the performance and completion of certain work in connection with improvements necessitated by the division of land in the Subdivision as identified within the approved Improvement Plan and the regulations within the Town of Dillsboro Subdivision Control Ordinance.

Subdivision

The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of land zoned for residential and nonresidential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Administrative Subdivisions are exempt from most provisions of this ordinance, may not result in or require the creation of an easement or the installation of public improvements, and must be one of the following types of division:

1. A division of land into two (2) or less tracts divided from the parent parcel.

2. A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
3. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;
4. A division of land for federal, state or local government to acquire street right-of-way;
5. Divisions of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division.
6. A division of land into cemetery plots for the purpose of burial of corpses.
7. A retracement of an existing parcel of record in which a survey plat does not exist, a survey error is being corrected or a new deed and/or legal description being created.

Subdivision Agent

Any person who represents or acts for or on behalf of a Subdivider or Developer in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a Subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services, and who is not involved in developing, marketing or selling real property in the Subdivision.

Subdivision, Administrative

See Subdivision.

Subdivision Improvement Agreement

A document which establishes the contractual relationship between the Developer of a Subdivision and the Town for the completion and maintenance of the required improvements in accordance with these regulations.

Subdivision Review Committee

A Committee established by the Plan Commission to provide technical services to the Commission in the administration of these regulations.

Subsurface Drainage

A system of pipes, tiles, conduits or tubing installed beneath the ground surface used to collect ground water from individual parcels, lots or building footings.

Surface Drainage

A system by which stormwater runoff is collected to an outlet. The term encompasses the proper grading of parking lots, streets, driveways, yards, etc., so that storm water runoff is removed without ponding and flows to a drainage swale, open ditch or storm sewer.

Technical Review Committee

A Committee created by this Ordinance to review plans submitted for action by the Plan Commission for a technical evaluation of the plan's compliance with the regulations governing its approval. This Committee will provide a report to the Plan Commission indicating its compliance with the regulations. The members of the Committee will include at a minimum the Town Engineer, County Surveyor, Plan Commission Staff and other members as needed for the given request or as determined by the Planning Director.

Temporary Improvement

Improvements built and maintained by a Subdivider during construction of the Subdivision and intended to be replaced by a permanent improvement prior to release of the performance bond, or turnaround improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through street connection made.

Topographic Plat

A plat drawing with contour lines (delineating elevation) superimposed over the Subdivision lot and street layout that indicates existing and proposed contours and other site features, such as structures, drainage ways, proposed changes in drainage features, etc.

Town Engineer

The person designated by the Town to furnish engineering assistance in the administration of these regulations.

Town Jurisdictional Area

The areas of the Town of Dillsboro, Indiana, in which the Town exercises planning and zoning jurisdiction. NOTE: Pursuant to IC. 36-7-4-1104(b), the planning and zoning ordinances of Indiana political Subdivisions may not regulate or restrict the use of property that is owned or occupied by the state or by any state agency.

Thoroughfare Plan

See Official Map.

Variance

A variance is an exception granted from the literal enforcement of the Subdivision Control Ordinance where, by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site that would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to those permitted to other landowners in the same zone district. It is a departure from dimensional terms of the Subdivision Control Ordinance.

ARTICLE 7

CERTIFICATES USED ON FINAL AND CERTIFIED SURVEYS

All certificates found within this Article shall be of print large enough to be clearly legible, and shall be dated, signed and stamped if necessary.

CERTIFICATE A

LAND SURVEYOR'S CERTIFICATE

The following certificate shall appear on all Secondary Plats and Certified Surveys presented to the Town of Dillsboro Plan Commission for approval pursuant to this Ordinance

“LAND SURVEYOR'S CERTIFICATE

I hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; and I do hereby further certify that this plat depicts a survey made by me or under my supervision, and to the best of my knowledge and belief, conforms with the requirements as set forth in Indiana Surveying Law and complies with all requirements of the Town of Dillsboro Zoning and Subdivision Regulations. Signed this _____ day of _____ (year).

(Land Surveyors Signature)
(Typed or Printed Name) (SEAL)”

CERTIFICATE B - 1

OWNER'S CERTIFICATE – WITH ROADWAY DEDICATION

The following Certificate shall appear on all Secondary Plats and Certified Surveys presented to the Town of Dillsboro Plan Commission for approval that contain a dedication of property for roadway purposes when there is **a new or existing roadway**.

"This is to certify that the undersigned are the owners of the land shown and described on this plat and as said owners we have caused the said above described property to be surveyed and subdivided as shown on the herein drawn plat, as our own free and voluntary act and deed. We attest that to our knowledge, the proposed land division does not interfere with the performance of an existing individual sewage disposal system. We hereby grant to the Dillsboro Town Council a ____ foot right-of-way for constructing and/or maintaining a road. Signed this ____ day of _____ (year).

Owner's Signature

Owner's Typed or Printed name"

NOTARY CERTIFICATE

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared (Name of person), and acknowledged the execution of the foregoing certificate as his/her voluntary act the ____ day of _____, (year).

Notary Public (signature)
My Commission Expires: _____
Resident of _____ County, _____

(Name Typed or Printed)

CERTIFICATE B - 2

OWNER'S CERTIFICATE – OTHER PUBLIC DEDICATION

The following Certificate shall appear on all Secondary Plats and Certified Surveys presented to the Town of Dillsboro Plan Commission for approval that contain a dedication of property for **public uses other than roadways**.

"We the undersigned, being all the owners of the lands herein platted, do hereby voluntarily consent to the execution of the said Plat and do dedicate the parks or public grounds as shown hereon to the Dillsboro Town Council to the public use for so long as they shall be used for the public purposes as shown or other purposes reasonably incident thereto.

Signed this ____ day of _____, _____.

Signature

Typed or Printed name"

NOTARY CERTIFICATE

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared (Name of person), and acknowledged the execution of the foregoing certificate as his/her voluntary act the ____ day of _____, (year).

Notary Public (signature)

(Name Typed or Printed)

My Commission Expires: _____

Resident of _____ County, _____

CERTIFICATE C

TOWN OF DILLSBORO PLAN COMMISSION APPROVAL CERTIFICATE

The following certificate shall appear on all Secondary Plats and Certified Surveys presented to the Town of Dillsboro Plan Commission for approval.

“This plat was approved by the Town of Dillsboro Plan Commission on this ____ day of _____ (year).

(Planning Department Official Signature)
(Typed or Printed Name)”

CERTIFICATE D

OWNER'S CERTIFICATE – NO DEDICATION

The following certificate shall appear on all Secondary Plats and Certified Surveys that **do not involve a public dedication.**

"This is to certify that the undersigned are the owners of the land shown and described on this plat and as said owners we have caused the said above described property to be surveyed and subdivided as shown on the herein drawn plat, as our own free and voluntary act and deed. We attest that to our knowledge, the proposed land division does not interfere with the performance of an existing individual sewage disposal system. Signed this ____ day of _____ (year).

(Owner's Signature)
(Type or Printed Name)

NOTARY CERTIFICATE

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared (Name of person), and acknowledged the execution of the foregoing certificate as her voluntary act this ____ day of _____, (year).

Notary Public (Signature)

(Name Typed or Printed)

My Commission Expires: _____

Resident of _____ County, _____"

CERTIFICATE E

COUNTY RECORDER'S CERTIFICATE

The following certificate shall appear on all Secondary Plats and Certified Surveys presented to the Town of Dillsboro Plan Commission for approval and the certificate shall be clearly legible.

COUNTY RECORDER'S CERTIFICATE

"Received for recording this _____ day of _____ (year) and recorded in the Office of the Recorder of Dearborn County, Indiana.

(Recorder of Dearborn County Signature)
(Typed or Printed Name)"

CERTIFICATE F

ACCEPTANCE OF DEDICATIONS

The following certificate shall appear on all Secondary Plats and Certified Survey including an Acceptance of Dedication.

"Be it resolved by the Dillsboro Town Council, Indiana, that the dedications shown on this plat are hereby approved and accepted this _____ day of _____ (year).

(Dillsboro Town Council Official Signature)
(Type or Printed Name)"

CERTIFICATE G

SIGHT DISTANCE CERTIFICATE

"I hereby certify that this plat meets the minimum sight distance requirements of Article 24, Section 2410 of the Town of Dillsboro Zoning Ordinance. Signed this _____ day of _____ (year).

(Land Surveyors Signature)
(Type or Printed Name)"

CERTIFICATE H

COUNTY AUDITOR'S CERTIFICATE

The following certificate shall appear on all Secondary Plats and Certified Surveys presented to the Town of Dillsboro Plan Commission for approval and the certificate shall be clearly legible.

COUNTY AUDITOR'S CERTIFICATE

"Presented to the Auditor this _____ day of _____, (year).

(Auditor of Dearborn County Signature)
(Type or Printed Name)"

CERTIFICATE I

SUBDIVIDER'S CONTRACT

This contract is executed this _____ day of _____, 20____ by _____ Subdivider(s), and between the Town of Dillsboro Government, as evidenced by a plat of a Subdivision which is on file in the Town of Dillsboro Plan Commission Office, referred to as _____ Subdivision, in Town of Dillsboro, Indiana.

WITNESSETH:

1. The Subdivider(s) herein above set forth are/is the owner(s) in fee simple of the real estate known as _____ Subdivision, located in Section(s) _____ Township _____ Range _____, of the First Principle Meridian, Dearborn County, Town of Dillsboro, Indiana;
2. It is the purpose and intention of this agreement to have the Subdivider(s) agree in writing to the performance and completion of certain work in connection with improvements necessitated by the division of land in the Subdivision as identified within the approved Improvement Plan and the regulations within the Town of Dillsboro Subdivision Control and Zoning Ordinances. It is further the purpose of this agreement to enter into a contract obligating the Subdivider(s) to perform as hereinafter set forth, and secure this construction and performance by an approved form of guarantee.

NOW, THEREFORE IT IS AGREED:

- A. The Subdivider(s), as herein before described, do (does) herewith agree to construct, install, and provide without variation all required improvements—including, but not necessarily limited to streets, curbs and gutters, sidewalks, stormwater drain and sewer systems, sanitary sewer systems, water supply systems, street signs, monuments and the various appurtenances related thereto—as established on the approved Subdivision Improvement Plans approved by the Plan Commission on file with the Town Department of Transportation & Engineering and the Department of Planning & Zoning;
- B. The Subdivider(s) agree(s) that said work shall be performed, completed and installed pursuant to inspection and approval by the Town Engineer *or his designee* and in accordance with the *Town of Dillsboro Subdivision Control and Zoning Ordinances*;

- C. The Subdivider(s) further agree to do all that is necessary to accomplish the acceptance of the road(s) as public road(s) within _____ years from the date of this contract. The _____ year period (the "Contract Period") is hereby fixed as a reasonable length of time for completion of all work. The Subdivider(s) may request a contract extension by formally petitioning the Town Engineer and Planning Director, who may grant an extension *in accordance with Article 4, Section 405 of the Town of Dillsboro Subdivision Control Ordinance*. After completion of the public improvements the Subdivider(s) shall provide a maintenance bond as required by the Subdivision Control Ordinance to guarantee the performance of the public improvements;
- D. The Subdivider(s) shall be responsible for all maintenance work necessary during the Contract Period including ditch and/or storm sewers, snow removal and ice removal;
- E. The Subdivider shall hold the Town of Dillsboro, Indiana and all its Departments, Agencies and Town Employees harmless for any and all liability claims, liens and encumbrances from all contractors, subcontractors and other party arising out of or as a result of the construction and maintenance or lack thereof while this contract is in effect;
- F. The Subdivider(s) agree to provide an acceptable financial guarantee in the amount of _____ to insure the performance of this contract and the required improvements. Said guarantee shall be held by the Town of Dillsboro Plan Commission under the supervision of the Planning Director until satisfactory completion of the improvements, and maintenance period and all fees outstanding to the Town of Dillsboro have been paid. Any interest accrued on said guarantee during the contract period shall accrue to the Town of Dillsboro as a service charge.
- G. The Subdivider(s) agree(s) to apply to both the Town Engineer and Planning Director, in writing, for the release of a financial guarantee once all required improvements have been installed and completed. The Subdivider(s) acknowledge(s) that any written request must be accompanied by a certification from his engineer or surveyor which states that, based on the information provided and to the best of his knowledge, all required improvements have been completed in the manner prescribed by the Town of Dillsboro Subdivision Control Ordinance, this Contract, and the approved Primary Plat and Improvement Plan(s). The certification of the Subdivider's engineer or surveyor shall also be accompanied by "record drawings." All record drawings shall be submitted as an up-to-date Improvement Plan, and shall contain all of the information set forth in Article 2, Section 232 of the Town of Dillsboro Subdivision Control Ordinance. Such record drawings must be prepared, signed, and stamped by the Subdivider's engineer or surveyor and must be submitted in both electronic (preferably CAD-based, where applicable)* and hard copy formats.

H. The Subdivider(s) agree(s) to construct, install, or repair any required improvement that does not meet the approved standards set forth in the Town of Dillsboro Subdivision Control Ordinance, this Contract, and the approved Primary Plat and Improvement Plan(s). All final determinations regarding the adequacy and completeness of required improvements will be made by the Town Engineer or his designee, following the review of the Subdivider's "record drawings" and inspections performed by the Town Engineer's staff. *Any proposed change(s) to the approved Primary Plat and Improvement Plan(s) must be approved by the Town of Dillsboro Technical Review Committee prior to the Subdivider's subsequent application to the Dillsboro Town Council to accept any public improvements.

(Property Owner's Signature)
(Typed or Printed Name)

Date

(Subdivider's Signature) (if different than above)
(Typed or Printed Name)

Date

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared (Name of person), and acknowledged the execution of the foregoing certificate as her voluntary act this ____ day of _____, (year).

Notary Public (Signature)

Name Typed or Printed

My Commission Expires: _____

Resident of _____ County, _____

(Town of Dillsboro Plan Commission Official Signature)
(Typed or Printed Name)

Date

CERTIFICATE J

PERFORMANCE GUARANTEE FORM

TO BE ISSUED WITH BONDING COMPANY STATIONERY, SEAL, & LOGO
(Where applicable)

Date of Issue: _____

Financial Institution Performance Guarantee Identification # (if applicable): _____

Amount: _____

Expiration Date: _____

Financial Institution Address: _____

Contact and Telephone # _____

Beneficiary: Town of Dillsboro
13030 Executive Dr.
Dillsboro, Indiana 47018
Attn: Town Planning Director

We _____ (Financial Institution) _____, hereby establish in your favor this Performance Guarantee for the account of _____ (hereinafter "Subdivider"), and _____ (hereinafter "Owner"), up to an aggregate amount of _____ (US dollars) which equals One Hundred Twenty percent (120%) of the cost of the Land Improvements described herein We understand that this Performance Guarantee is to be used to construct all required improvements within the Town of Dillsboro as shown on the approved Improvement Plan on file within the Town Engineer and Planning Department offices and the submitted Secondary Plat as listed. (List Subdivision Name _____ and Section or Phase _____)

Withdrawals on this Performance Guarantee must be accompanied by written notice to the Financial Institution from the Planning Director certifying either: (1) that said Performance Guarantee is about to expire and has not been renewed; and/or 2) that work has not been completed in accordance with the approved Improvement Plan listed above and any amendments thereof. It shall be the option of the Planning Director, or his designee acting as the agent for the Town, to draw in full on this Performance Guarantee or make partial withdrawals as needed. Partial withdrawals shall not affect the full force of the remainder of this Performance Guarantee. Upon the completion of the agreed upon improvements by the Town or its agent any unused funds shall be forwarded to the Financial Institution.

This irrevocable Performance Guarantee shall expire on (Date/Year); provided, however, the undersigned shall notify the Town, by certified mail, return receipt requested, at least 30 days prior to said expiration date, that said Performance Guarantee is about to expire. In no event shall this Performance Guarantee or the obligations contained herein expire except upon said prior written notice and renewal, it being expressly agreed by the undersigned that the above expiration date shall be extended as shall be required to comply with this notice provision. Notice shall be made to the Beneficiary listed above. This Performance Guarantee can only be released prior to the expiration date upon written consent of the Beneficiary.

The undersigned further agrees that this Performance Guarantee shall remain in full force and effect and pertain to any and all amendments or modifications which may be made from time to time to the plans, specifications and agreements for the project, with or without notice from the Town of such amendments or modifications.

The Financial Institution hereby undertakes and engages that all demands made in conformity with this Performance Guarantee will be duly honored and payment shall be made in immediately available funds upon presentation.

The Financial Institution hereby represents and warrants to the Beneficiary that it has the full power, right and authority to deliver this Performance Guarantee, and that it is within all limits of such institution, and in accordance with terms on the undersigned institution.

NAME OF THE FINANCIAL INSTITUTION

ATTEST: _____

By: _____
(Principal's Signature)

(Principal's Typed Name & Title)

By: _____
(Surety Representative's Signature)

(Surety Representative's Typed Name & Title)

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared _____(Name of persons above), and acknowledged the execution of the foregoing Performance Guarantee as his or her voluntary act this ____ day of _____, (year).

Notary Public (Signature)

Name Typed or Printed

My Commission Expires: _____

Resident of _____ County, _____

(Town of Dillsboro Plan Commission Official Signature)
(Typed or Printed Name)

Date

CERTIFICATE K

MAINTENANCE GUARANTEE FORM

TO BE ISSUED WITH BONDING COMPANY STATIONERY, SEAL, & LOGO
(Where applicable)

Date of Issue: _____

Financial Institution Maintenance Guarantee Identification # (if applicable): _____

Amount: _____

Expiration Date: _____

Financial Institution Address: _____

Contact and Telephone # _____

Beneficiary: Town of Dillsboro
13030 Executive Dr.
Dillsboro, Indiana 47018
Attn: Town Planning Director

We _____ (Financial Institution) _____, hereby establish in your favor this financial guarantee for the account of _____, (hereinafter "Subdivider"), and _____, (hereinafter "Owner"), up to an aggregate amount of _____ (US dollars) which equals One Hundred Twenty percent (120%) of the cost of the Land Improvements described herein. We understand that this financial guarantee is to be used to finish all required improvements not completed or installed by the Owner / Subdivider and to secure the performance of all required maintenance improvements as shown on the approved Improvement Plan on file within the Department of Transportation and Planning Department offices and the submitted Secondary Plat as listed. (List Subdivision Name _____ and Section / Phase _____)

Withdrawals on this financial guarantee must be accompanied by written notice to the Financial Institution from the Planning Director or his designee certifying either: (1) that said financial guarantee is about to expire and has not been renewed; 2) that work has not been completed in accordance with the approved Improvement Plan listed above and any amendments thereof; and/or 3) the required improvements have failed to perform as required. It shall be the option of the Planning Director, or his designee acting as the agent for the Town, to draw in full on this financial guarantee or make partial withdrawals as needed. Partial withdrawals shall not affect the full force of the remainder of this financial guarantee. Upon the completion of the agreed upon improvements by the Town or its agent any unused funds shall be forwarded to the Financial Institution.

This irrevocable financial guarantee shall expire on (Date/Year); provided, however, the undersigned shall notify the Town, by certified mail, return receipt requested, at least 30 days prior to said expiration date, that said financial guarantee is about to expire. In no event shall this financial guarantee or the obligations contained herein expire except upon said prior written notice and renewal, it being expressly agreed by the undersigned that the above expiration date shall be extended as shall be required to comply with this notice provision. Notice shall be made to the Beneficiary listed above. This financial guarantee can only be released prior to the expiration date upon written consent of the Beneficiary.

The undersigned further agrees that this financial guarantee shall remain in full force and effect and pertain to any and all amendments or modifications which may be made from time to time to the plans, specifications and agreements for the project, with or without notice from the Town of such amendments or modifications.

The Financial Institution hereby undertakes and engages that all demands made in conformity with this irrevocable Letter of Credit will be duly honored and payment shall be made in immediately available funds upon presentation.

Each of the undersigned institutions hereby represents and warrants to the Beneficiary that it has the full power, right and authority to deliver this Irrevocable Letter of Credit, that the same is within all lending limits of such institution, is in accordance with terms on the undersigned institution.

The Financial Institution hereby undertakes and engages that all demands made in conformity with this financial guarantee will be duly honored and payment shall be made in immediately available funds upon presentation.

The Financial Institution hereby represents and warrants to the Beneficiary that it has the full power, right and authority to deliver this financial guarantee, and that it is within all limits of such institution, and in accordance with terms on the undersigned institution.

NAME OF THE FINANCIAL INSTITUTION

ATTEST: _____

By: _____
(Principal's Signature)

(Principal's Typed Name & Title)

By: _____
(Surety Representative's Signature)

(Surety Representative's Typed Name & Title)

STATE OF INDIANA, COUNTY OF DEARBORN, ss:

Before me the undersigned, a Notary Public, for said County and State, personally appeared _____ (Name of persons above), and acknowledged the execution of the foregoing Maintenance Guarantee as his or her voluntary act this ____ day of _____, (year).

Notary Public (Signature)

Name Typed or Printed

My Commission Expires: _____

Resident of _____ County, _____

(Town of Dillsboro Plan Commission Official Signature)
(Typed or Printed Name)

Date

APPENDIX A

CONSTRUCTION OF STREETS, CURBS & GUTTERS, SIDEWALKS & DRIVEWAYS

The construction of streets and their associated improvements shall conform to the current Public Right-of-Way Accessibility Guidelines⁺, the current edition of the Indiana Department of Transportation (INDOT) Standard Specifications^{*}, the current effective INDOT Supplemental Specifications^{*}, INDOT Standard Drawings^{*}, and the applicable improvement drawings.

Construction activities include, but are not limited to, excavation, grading, backfill and compaction. Construction improvements include, but are not limited to, drainage structures, sidewalks, curbs and gutters, and streets.

Foot Notes:

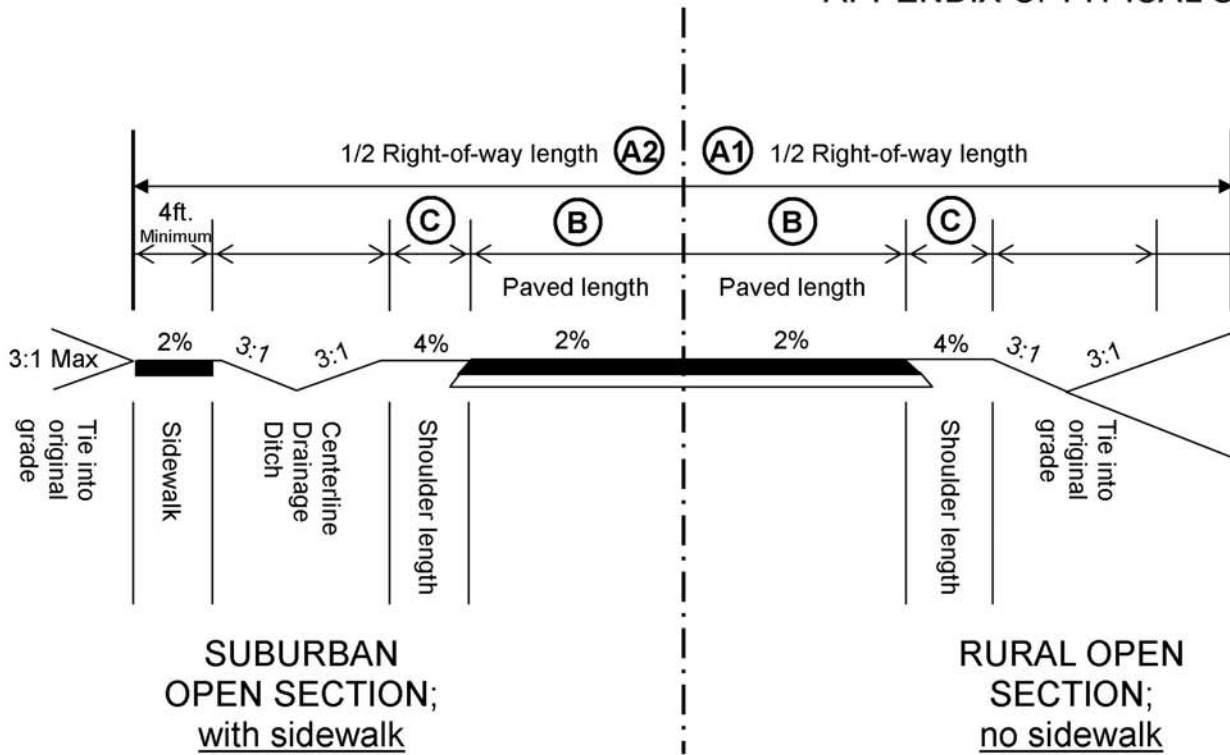
+ The aforementioned guidelines may be acquired via the United States Access Board's website at: www.access-board.gov/prowac/

*The aforementioned documents may be acquired via INDOT by calling (317) 232-5070 or by accessing the following website: <http://www.in.gov/dot/pubs/>

APPENDIX B - Thickness Requirements for Asphalt Paved Streets

PAVEMENT DESIGN		
STREET CLASSIFICATION	OPTION 1	OPTION 2
LOCAL <i>*Also Typical for Paved Shoulders</i>	1.5 inch 9.5mm HMA Surface 3.0 inch 19.0mm HMA Intermediate 8.0 inch No. 53 Compacted Aggregate	1.5 inch 9.5 mm HMA Surface 3.0 inch 19.0mm HMA Intermediate 4.0 inch 25.0mm HMA Base
COLLECTOR	1.5 inch 9.5mm HMA Surface 6.0 inch 25.0mm HMA Base 8.0 inch No. 53 Compacted Aggregate	1.5 inch 9.5mm HMA Surface 5.0 inch 25.0mm HMA Base 5.0 inch 25.0mm HMA Base
ARTERIAL	1.5 inch 9.5mm HMA Surface 3.0 inch 19.0mm HMA Intermediate 5.0 inch 25.0mm HMA Base 8.0 inch No. 53 Compacted Aggregate	1.5 inch 9.5mm HMA Surface 3.0 inch 19.0mm HMA Intermediate 4.0 inch 25.0mm HMA Base 5.0 inch 25.0mm HMA Base
<p>NOTES:</p> <p>(1) Arterial streets Commercial streets Industrial streets } These types of streets must be designed and constructed in accordance with current Indiana Department of Transportation (INDOT) and American Association of State Highway and Transportation Official (AASHTO) standards; approval of the Town Technical Review Committee is <u>required</u>.</p> <p>(2) As noted earlier in Appendix A, the construction of streets and their associated improvements shall conform to the current edition of the Indiana Department of Transportation (INDOT) Standard Specifications, the current effective INDOT Supplemental Specifications, INDOT Standard Drawings, and the applicable improvement drawings.</p> <p>Construction activities include, but are not limited to, excavation, grading, backfill and compaction. Construction improvements include, but are not limited to, drainage structures, sidewalks, curbs and gutters, and streets.</p> <p>(3) Local and Collector streets and curb and gutter improvements shall have an INDOT Type II subgrade. Sidewalks and driveways shall have an INDOT Type III subgrade.</p> <p>(4) Asphalt prime coat shall be applied to compacted aggregate base prior to HMA placement.</p> <p>(5) Asphalt tack coat shall be applied between HMA lifts.</p>		

APPENDIX C: TYPICAL SECTIONS



Street Type	Average Daily Traffic (ADT)	RURAL 1/2 Right-Of-Way Width (A1)	SUBURBAN 1/2 Right-Of-Way Width (A2)	Min. Pavement Width (B)	Min. Shoulder (C)	Max. Street Grade	Min. Street Grade	Design Speed (mph)
RURAL & SUBURBAN OPEN SECTION; with sidewalk								
Local I	ADT < 400	25ft.	30ft.	10ft.	4ft.*	12%	.5%	30
Local II	400 < ADT < 3000	25ft.	30ft.	11ft.	4ft.*	11%	.5%	40
Local III	ADT > 3000	25ft.	30ft.	12ft.	4ft.*	10%	.5%	45
Collector I	ADT < 1000	30ft.	30ft.	12ft.	4ft.*	10%	.5%	40
Collector II	1000 < ADT < 3000	30ft.	35ft.	12ft.	8ft.*	9%	.5%	45
Collector III	ADT > 3000	30ft.	35ft.	12ft.	10ft.*	8%	.5%	45
Arterial I	ADT < 5000	40ft.	40ft.	12ft.	10ft.*	6%	.5%	45
Arterial II	ADT > 5000	40ft.	40ft.	12ft.	12ft.*	5.5%	.5%	45

FOOTNOTES:

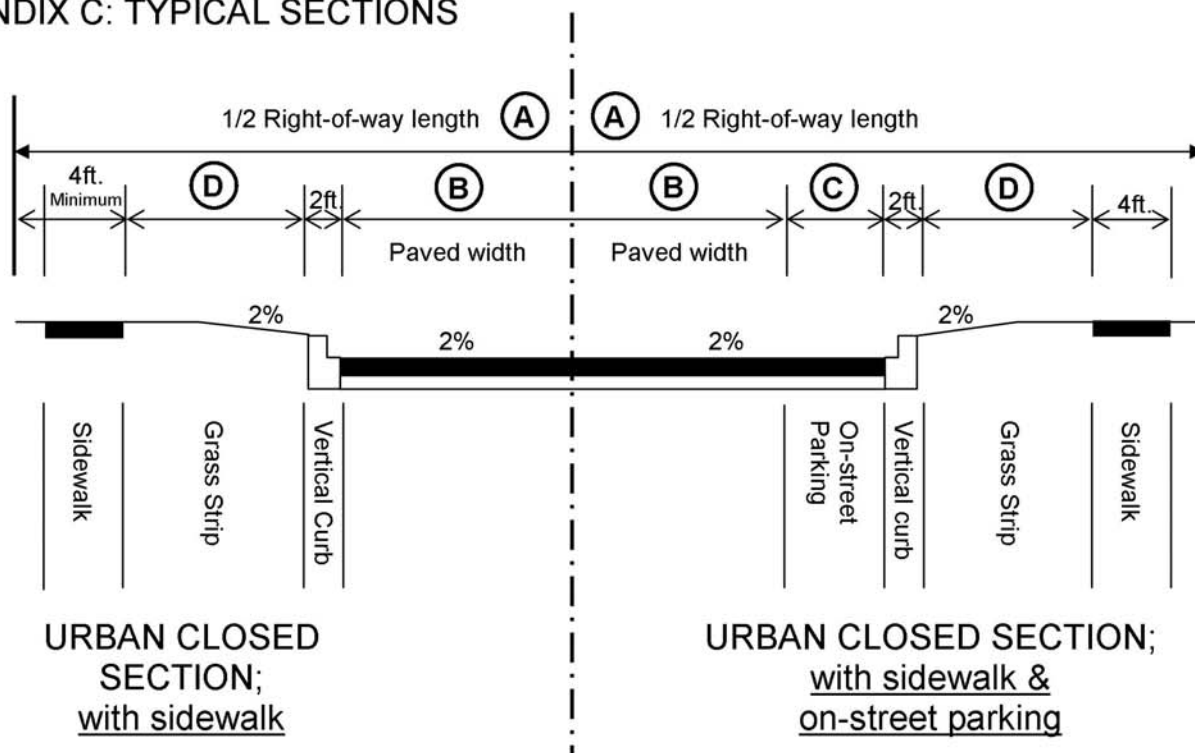
***Minimum Shoulders, Open Sections:**

- All Local I and II Roadways shall have a 4-foot-wide grass shoulder.
- All Local III and Collector I Roadways shall have 2-foot-wide paved shoulders with an additional 2ft. grass strip.
- All Collector II Roadways shall have 6-foot-wide paved shoulders with an additional 2ft. grass strip.
- All Collector III and Arterial I Roadways shall have 8-foot-wide paved shoulders with an additional 2ft. grass strip.
- All Arterial II Roadways shall have 10-foot-wide paved shoulders with an additional 2ft. grass strip.

Collector & Arterial Roads have restricted access as set forth in Article 3, Section 305 of the Dearborn County Subdivision Control Ordinance. See also Article 24 of the Dearborn County Zoning Ordinance.

The typical standards established in this Section can be amended by the Plan Commission if determined necessary for safety, efficiency, maintenance, anticipated problems or future growth as advised by the Planning Department and County Engineer.

APPENDIX C: TYPICAL SECTIONS



Street Type	Average Daily Traffic (ADT)	1/2 Right-Of-Way Width (A)	Min. Pavement Width (B)	On-Street Parking Width (C)	Min. Grass Strip (D)	Max. Street Grade	Min. Street Grade	Design Speed (mph)
URBAN CLOSED SECTION; with sidewalk								
Local I	ADT < 400	25ft.	10ft.	NA	5ft.	12%	.5%	30
Local II	400 < ADT < 3000	25ft.	11ft.	NA	5ft.	11%	.5%	40
Local III	ADT > 3000	25ft.	12ft.	NA	6ft.	10%	.5%	45
Collector I	ADT < 1000	30ft.	12ft.	NA	5ft.	10%	.5%	40
Collector II	1000 < ADT < 3000	30ft.	12ft.	NA	5ft.	9%	.5%	45
Collector III	ADT > 3000	30ft.	12ft.	NA	6ft.	8%	.5%	45
Arterial I	ADT < 5000	40ft.	12ft.	NA	6ft.	6%	.5%	45
Arterial II	ADT > 5000	40ft.	12ft.	NA	7ft.*	5.5%	.5%	45
URBAN CLOSED SECTION; with sidewalk AND on-street parking								
Local I	ADT < 400	25ft.	10ft.	4ft.	5ft.	12%	.5%	30
Local II	400 < ADT < 3000	28ft.	11ft.	5ft.	5ft.	11%	.5%	40
Local III	ADT > 3000	30ft.	12ft.	5ft.	6ft.	10%	.5%	45

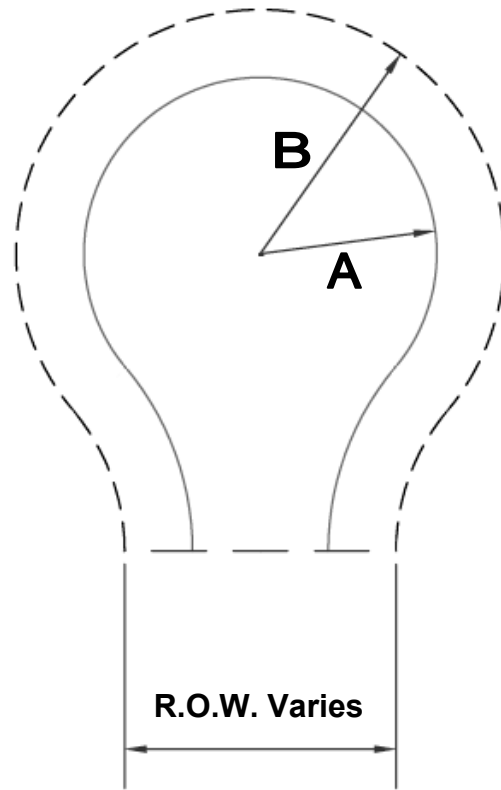
FOOTNOTES:

*All projects involving U.S. 50, the distance between the vertical curb and sidewalk—or the minimum grass strip (D)—should be consistent with the U.S. 50 Corridor Transportation and Land Use Plan (2007).

Collector & Arterial Roads have restricted access as set forth in Article 3, Section 305 of the Dearborn County Subdivision Control Ordinance. See also Article 24 of the Dearborn County Zoning Ordinance.

The typical standards established in this Section can be amended by the Plan Commission if determined necessary for safety, efficiency, maintenance, anticipated problems or future growth as advised by the Planning Department and County Engineer.

APPENDIX C: DETAILS



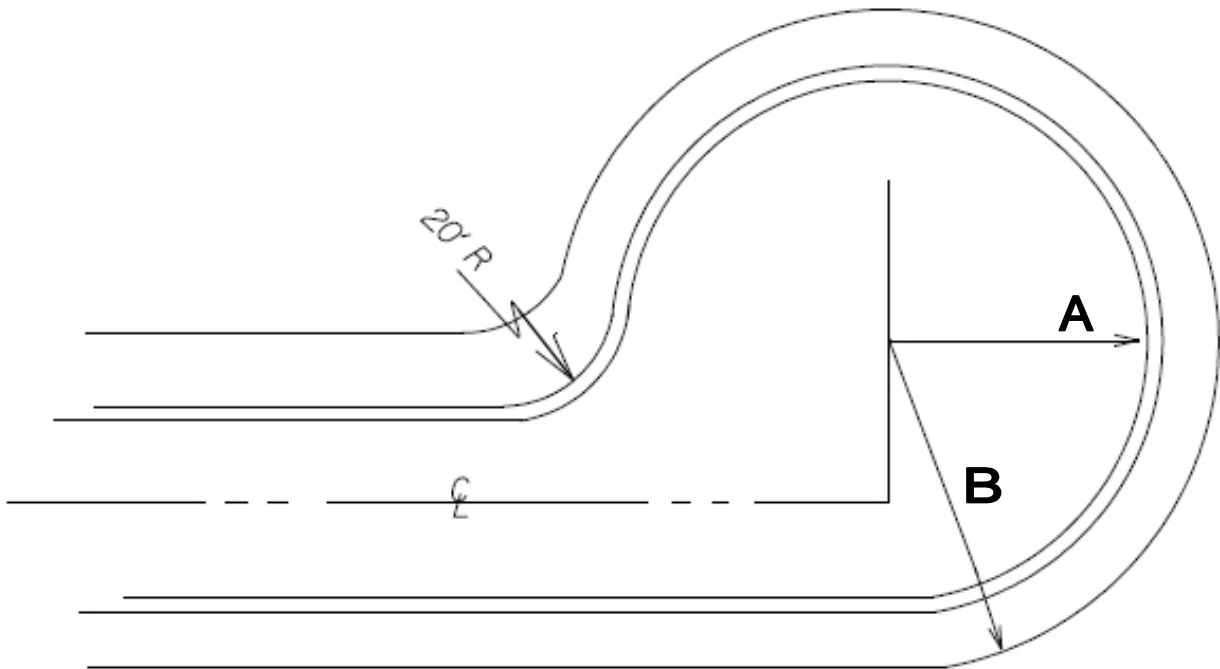
TYPICAL TURN AROUNDS FOR DEAD-END STREETS

A = 40-foot pavement radius, *Residential Streets*

B = 50-foot R.O.W. radius, *Residential Streets*

A = 50-foot pavement radius, *Commercial & Industrial Streets*

B = 60-foot R.O.W. radius, *Commercial & Industrial Streets*

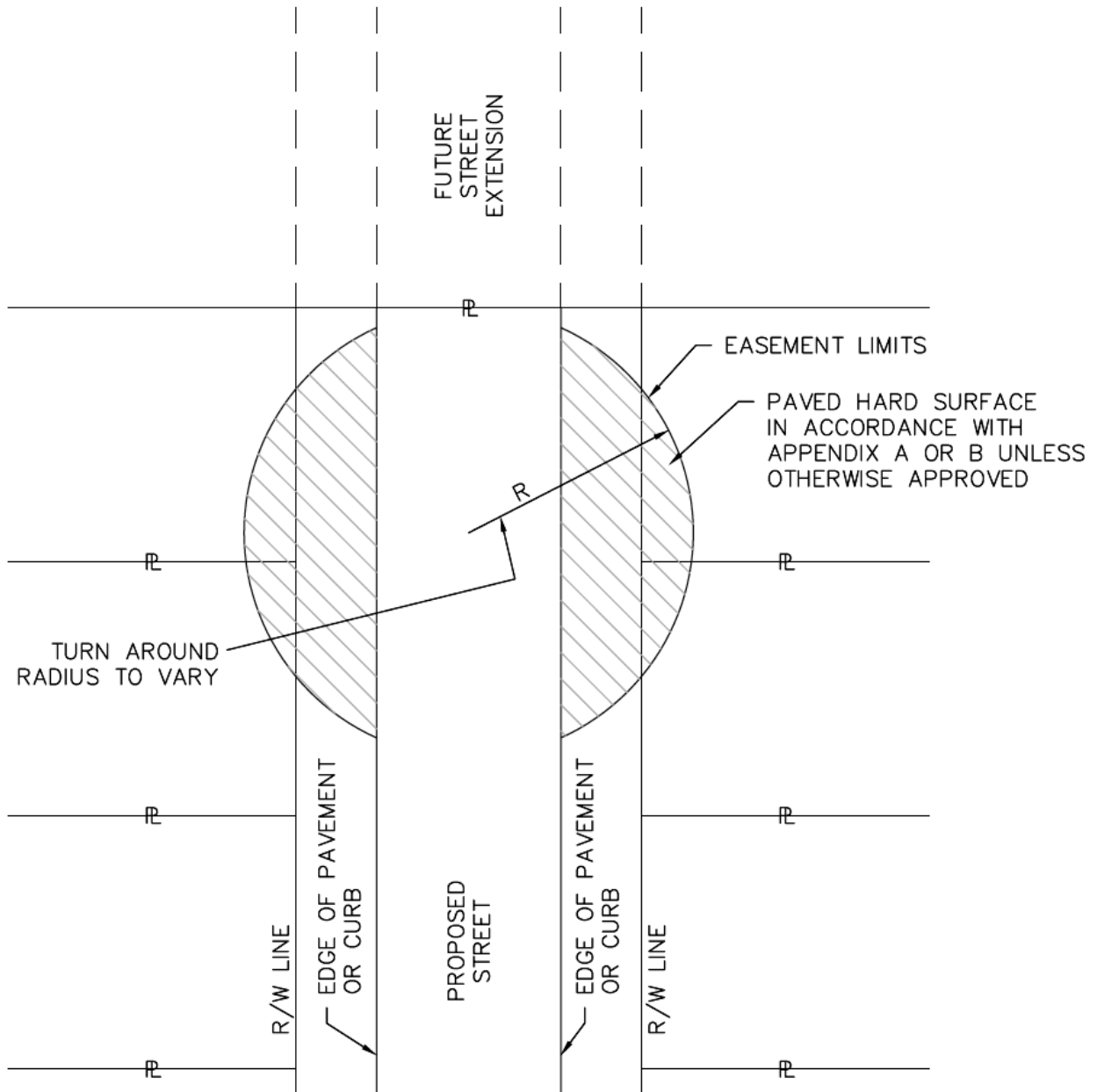


OFFSET TURN AROUNDS FOR
DEAD-END STREETS

A = 40-foot pavement radius, *Residential Streets*
B = 50-foot R.O.W. radius, *Residential Streets*

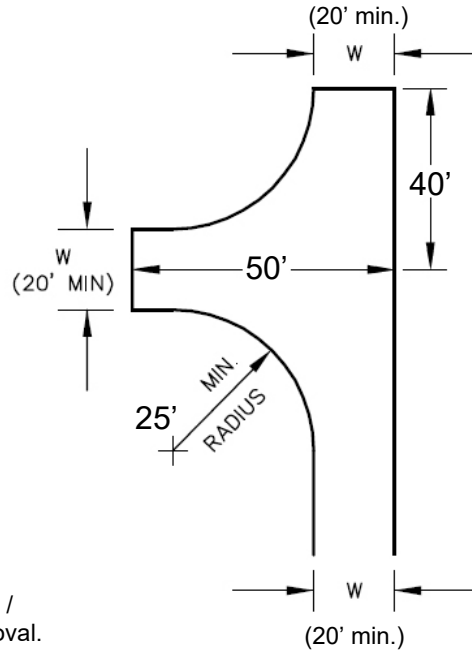
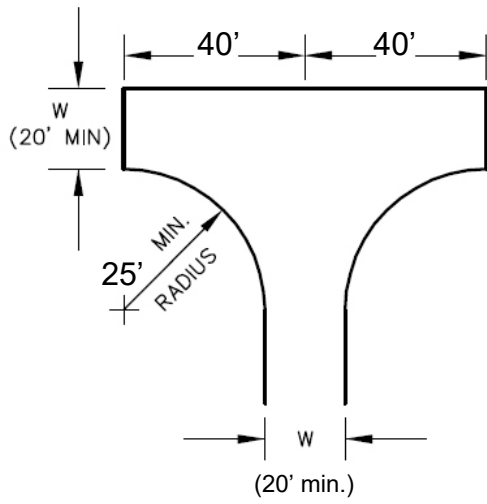
A = 50-foot pavement radius, *Commercial & Industrial Streets*
B = 60-foot R.O.W. radius, *Commercial & Industrial Streets*

APPENDIX C: DETAILS



TEMPORARY TURNAROUND FOR FUTURE STREET EXTENSION

APPENDIX C: DETAILS



T-TURNAROUND ALTERNATIVES

*For Residential Uses ONLY. Commercial and Industrial Uses / Developments will require Technical Review Committee Approval.