

TOWN OF FORTVILLE

ORDINANCE NO. 2018 – 2A

An Ordinance Adopting Access Management and Control and Right-of-Way Dedication Control Provisions to the Fortville Town Code

RECITALS

1. The Town Council of the Town of Fortville (“Council” and “Town,” respectively) finds it necessary and in the interest of the public’s health, welfare, and safety, in addition to promoting sound and responsible development and land use, to adopt regulations concerning (a) access management to property within the Town and (b) right-of-way dedication to address development and land usage within the Town.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Council as follows:

SECTION 1. Title XV of the Fortville Town Code shall be amended to include Chapter 154 – Right-of-Way Dedication and Chapter 155 – Access Management and Control, as stated in attached Exhibit A.

SECTION 2. Any Chapter, Section or Subsection of the Code that is not specifically amended or restated herein remains in full force and effect.

SECTION 3. If any provision in this Ordinance is declared invalid, the remaining provisions of the Ordinance shall remain in full force and effect.

SECTION 4. Any ordinances or provisions thereof that are inconsistent with this Ordinance are hereby superseded.

SECTION 5. This Ordinance shall be in full force and effect upon passage and publication as required by law.

[Signature Page Follows]

Ordinance 2018-2A

Introduced and filed on the 5th day of February, 2018.

Duly ordained and passed this 20th day of February, 2018 by the Town Council of the Town of Fortville, Hancock County, Indiana, having been passed by a vote of 3 in favor and 1 opposed.

TOWN OF FORTVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Voting Opposed:



Michael Frischkorn, President

Michael Frischkorn, President



Robert Holland

Robert Holland

~~Bill Hiday~~

~~Bill Hiday~~



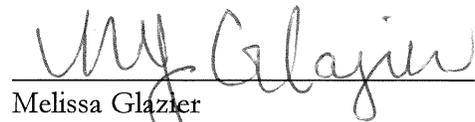
Tim Hexamer

Tim Hexamer

Lenzy Hendrix


Lenzy Hendrix

ATTEST:



Melissa Glazier
Clerk-Treasurer

EXHIBIT A

Title XV: LAND USAGE

Chapter

154. Right-of-Way Dedication

CHAPTER 154: RIGHT-OF-WAY DEDICATION

Section

154.01 Definitions

154.02 Intent and Purpose

154.03 Applicability

154.04 Extent, Conveyance, and Timing

§ 154.01 DEFINITIONS

- (A) “Dedication” shall be used to mean conveyance of land to the Town by deed with map exhibit or some other instrument of conveyance including a duly filed and recorded subdivision plat.
- (B) “Right-of-way” shall refer to an area of land appropriated for public use such as a sidewalk, multi-use path, trail, driveway, alley, street, or highway or for any drainage or public utility purpose or other similar public uses or purposes.
- (C) “Thoroughfare Plan” shall refer to the transportation plan or study included as part of the most recently adopted Fortville comprehensive plan.
- (D) “Transportation Facility” shall be used to mean sidewalks, multi-use paths, trails, driveways, alleys, streets, highways, or another type of facility that moves people and goods from one point to another.

§ 154.02 INTENT AND PURPOSE

- (A) This chapter establishes guidelines for the applicability, conformance, and extent for dedication and deeding of right-of-way.
- (B) The adoption of this chapter is essential to preserving transportation corridors that are expected to require improvements due to growth. Increasing residential, commercial, and industrial developments place additional strain on the transportation network. The acquisition and purchase of right-of-way necessary to support future transportation demand is a costly and possibly damaging process for community development. This chapter establishes the method for the Town of Fortville to systematically preserve right-of-way to minimize the cost of future acquisition for transportation improvements.

§ 154.03 APPLICABILITY

- (A) Property owners shall be required to dedicate right-of-way to the Town in accordance with the prescribed width per the Thoroughfare Plan for transportation purposes as a condition of approval for new development or redevelopment, when to do so is found to be reasonably necessary to mitigate an impact which is a direct result of a proposed development, for improvement, use or maintenance of the transportation system serving the development.
- (B) Right-of-way dedication shall be required in the following cases:
 - (1) To obtain the right-of-way reasonably necessary for the construction of frontage improvements along the frontage of the development's parcel. This may include right-of-way necessary to attain sufficient intersection sight distance in accordance with the following publications and regulations:
 - (a) Indiana Department of Transportation (INDOT) Driveway Permit Manual, latest edition; and
 - (b) INDOT Design Manual.
 - (2) To obtain the right-of-way reasonably necessary for the construction of any other improvements, either along the frontage of the development's parcel or off-site, as may be required in the development approval process.
 - (3) To obtain the right-of-way reasonably necessary such that an existing offset road shall be located within right-of-way after the right-of-way dedication.
 - (4) To obtain the right-of-way reasonably necessary for maintenance of Town transportation and/or drainage facilities.

§ 154.04 EXTENT, CONVEYANCE, AND TIMING

- (A) All dedicated and designated rights-of-way for any particular development shall conform to the minimum dimensions identified within the Thoroughfare Plan.
- (B) If determined to be necessary by the Town Manager, all dedicated and designated rights-of-way shall include minimal additional right-of-way along arterial and collector classified roadways as necessary to accommodate turn pockets and/or passing blisters.
- (C) If the property owner only controls the property on one (1) side of the transportation facility, then satisfactory right-of-way shall be dedicated in order to bring the applicable half of the right-of-way up to the dimensions required in the Thoroughfare Plan. The Town Manager shall determine the satisfactory right-of-way necessary, accounting for overall right-of-way limitations and constraints, such as, but not limited to, the impact on adjacent historic resources.
- (D) When right-of-way is required to be dedicated, it shall be conveyed by warranty deed or another form of conveyance. If requested by the Town Manager or designee, all warranty deeds and other documents of conveyance or dedication of right-of-way must be accompanied by a title report effective as of the date of conveyance shown on the deed or other document of conveyance. The description on the deed or other document of conveyance must match the legal description on the title report. The warranty deed or other document of conveyance may be accepted on behalf of the Town by the Town Manager.

- (E) The Town shall only accept rights-of-way which have clear title.
- (F) Required right-of-way must be conveyed to and accepted by the Town prior to issuance of any building permit. If the right-of-way dedication is in conjunction with a subdivision, the dedication process required as part of the final plat process shall be followed.
- (G) When necessary, the Town may begin eminent domain proceedings in accordance with IC 32-24, as amended. Upon completion of the eminent domain proceedings, the property owner shall reimburse the Town in an amount equal to the price paid by the Town for the public right-of-way and associated professional and legal expenses, anything that had to be condemned within the acquired right-of-way, and anything for which the Town paid the price of relocation.

Title XV: LAND USAGE

Chapter

- 155. Access Management and Control

CHAPTER 155: ACCESS MANAGEMENT AND CONTROL

Section

- 155.01 Purpose and Intent
- 155.02 Applicability
- 155.03 Roadways Subject to Access Management Regulations
- 155.04 Driveway and Related Access Standard
 - 155.05 Service Drives and Other Shared Access Standard
- 155.06 Temporary Access Permit
- 155.07 Nonconforming Driveways
- 155.08 Waivers
- 155.09 Fees in Escrow for Professional Reviews

§ 155.01 PURPOSE AND INTENT

- (A) The purpose of this Chapter is to establish minimum regulations for access to property. Standards are established for new roads, driveways, shared access, parking lot cross access, and service roads. The standards of this Chapter are intended to promote safe and convenient travel within the Town of Fortville; minimize disruptive and potentially hazardous traffic conflicts; ensure safe access by emergency vehicles; protect the substantial public investment in the transportation system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow; separate traffic conflict areas by reducing the number of driveways; provide safe spacing standards between driveways, and between driveways and intersections; provide for shared access between abutting properties; implement the Fortville Comprehensive Plan and the Fortville Thoroughfare Plan recommendations; ensure reasonable access to properties, though not

always by the most direct access; and to coordinate access decisions with the Indiana Department of Transportation (INDOT), as applicable.

- (B) The intent of this Chapter is to provide and manage access to land development, while preserving the regional flow of traffic in terms of safety, capacity, and mobility. Major thoroughfares serve as the primary network for moving people and goods. These transportation corridors also provide access to businesses and homes and serve as the focus for commercial and residential development. If access systems are not properly designed, these thoroughfares will be unable to accommodate the access needs of development and retain their primary transportation function. This Chapter balances the right of reasonable access to private property, with the rights of the citizens of Fortville and the State of Indiana to safe and efficient travel.
- (C) To achieve this policy intent, state and local thoroughfares have been categorized by function and classified for access purposes based upon their level of importance. The standards of this Chapter are based on traffic analysis by the Town of Fortville, Hancock County, the Madison County Council of Governments (MCCOG), or INDOT, as applicable. This analysis demonstrates that the combination of roadway design, traffic speeds, traffic volumes, traffic crashes and other characteristics necessitate special access standards.

§ 155.02 APPLICABILITY

- (A) The standards in this Chapter apply to private and public land along road rights-of-way that are under the jurisdiction of the Town of Fortville or INDOT. The requirements and standards of this Chapter shall be applied in addition to, and where permissible shall supersede, the requirements of INDOT or other chapters of this Ordinance.
- (B) The standards of this Chapter shall be applied by the Planning Administrator or Town Engineer during subdivision and site plan review, as applicable. The Planning Administrator shall make findings of nonconformance, conformance, or conformance if certain conditions are met, with the standards of this Chapter prior to disapproving or approving a site plan per the requirements of this Ordinance. The Town of Fortville shall coordinate its review of the access elements of a plan with the appropriate transportation authority prior to deciding on an application (see Subsection C. below). The approval of a plan does not negate the responsibility of an applicant to subsequently secure driveway permits from the appropriate authority, either the Fortville Planning Administrator, Town Engineer, or INDOT (depending on the roadway).
- (C) To ensure coordination, applicants are required to submit a site plan or a preliminary plat to the Town of Fortville and INDOT, as applicable. The Planning Administrator or Town Engineer may require submittal of a Traffic Impact Study as described below:
 - (1) At a minimum, the Traffic Impact Study shall contain the following:
 - (a) Analysis of existing traffic conditions and/or site restrictions using current data.
 - (b) Projected trip generation at the subject site or along the subject service drive based on the most recent edition of the Institute of Transportation

Engineers *Trip Generation Manual*. The Town of Fortville may approve use of other trip generation data if based on recent studies of at least three (3) similar uses within similar locations in Indiana.

- (c) Illustrations of current and projected turning movements at access points. Include identification of the impact of the development and its proposed access on the operation of the abutting streets. Capacity analysis shall be completed based on the most recent version of the *Highway Capacity Manual* published by the Transportation Research Board (TRB), and shall be provided in an appendix to the Traffic Impact Study.
- (d) Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles, and transit users, where applicable.
- (e) Justification of need, including statements describing how the additional access will meet the intent of this section, will be consistent with the Fortville Thoroughfare Plan, will not compromise public safety and will not reduce capacity or traffic operations along the roadway.
- (f) Qualifications and documented experience of the author, describing experience in preparing Traffic Impact Studies. The preparer shall be either a registered traffic engineer (P.E.) or Professional Transportation Planner (P.T.P.) with experience preparing Traffic Impact Studies in Indiana. If the Traffic Impact Study involves geometric design, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.

- (2) The Town of Fortville may utilize its own traffic consultant to review the applicant's Traffic Impact Study, with the cost of the review being borne by the applicant per Section 155.09.

(D) Failure by the applicant to begin construction of an approved road, driveway, shared access, service drive, or other access arrangement within twelve (12) months from the date of approval, shall void the approval and a new application is required.

(E) The Planning Administrator or Town Engineer shall inspect the driveway as constructed for conformance with the standards of this Ordinance and any approval granted under it, prior to issuing an occupancy permit. The Planning Administrator or Town Engineer shall coordinate with the appropriate INDOT construction inspector to avoid dual inspections on applicable facilities.

§ 155.03 ROADWAYS SUBJECT TO ACCESS MANAGEMENT REGULATIONS

(C) The access management regulations of this Chapter apply to all property according to the roadway classification of the abutting public streets and roads within the Town of Fortville as described below and as illustrated in the Fortville Thoroughfare Plan Map.

- (1) Application of the access location and design standards of this Chapter requires identification of the functional classification of the street on which access is requested and then applying the appropriate spacing requirements. The roads of

Fortville are classified as follows and are further defined in the Fortville Thoroughfare Plan:

- (a) Local
- (b) Collector
- (c) Secondary Arterial
- (d) Primary Arterial

- (2) All unclassified public streets are local streets principally providing access to single-family residences.

§ 155.04 DRIVEWAY AND RELATED ACCESS STANDARDS

All lots hereafter created, and all structures hereafter created, substantially altered, or relocated to property with frontage on, or access to, a public road or street that is subject to regulation per Section 155.03, shall conform to the following requirements:

(A) General Standards

- (1) Access Approval Required – No road, driveway, shared access, parking lot cross access, service road, or other access arrangement shall be established, reconstructed, or removed without first meeting the requirements of this Section.
- (2) Frontage on a Public Road or Street – Any lot created after the effective date of this Ordinance shall have frontage upon a public street right-of-way or private road or access easement recorded with the County Recorder that meets the requirements of this Chapter.

Contiguous properties under one ownership or consolidated for unified development will be considered one parcel for the purposes of this Chapter.

- (3) Clear Vision – All access points shall maintain clear vision as illustrated in Section 156.072, as amended, of the Hancock County, Indiana Code of Ordinances.
- (4) Street Structures – No driveway shall interfere with municipal facilities such as street light or traffic signal poles, signs, fire hydrants, crosswalks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Town Manager or designee is authorized to order and effect the removal or reconstruction of any driveway that is constructed in conflict with street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the abutting property owner.

(B) Access Location Standards

- (1) Access Point Approval – No access point shall connect to a public street or road without first receiving approval of the location and cross-section specifications from the Fortville Planning Administrator or Town Engineer when on a town street or INDOT when on a state highway. No access point shall connect to a private road

unless approved by the Planning Administrator or Town Engineer and by the parties with an ownership interest in the private road.

- (2) Factors on Location of Driveway Access – At a minimum, the following factors shall be considered prior to deciding on the location of a driveway or other access point:
 - (a) The characteristic of the proposed land use;
 - (b) The existing traffic flow conditions and the future traffic demand anticipated by the proposed development on the adjacent street system;
 - (c) The location of the property;
 - (d) The size of the property;
 - (e) The orientation of structures on the site;
 - (f) The minimum number of driveways or other access points needed to accommodate anticipated traffic based on a traffic analysis, as determined by the community and road agency. Such finding shall demonstrate traffic operations and safety along the public street would be improved (or at least not negatively affected), and not merely that another access point is desired for convenience;
 - (g) The number and location of driveways on existing adjacent and opposite properties;
 - (h) The location and functional classification of abutting streets or roads and the carrying capacity of nearby intersections;
 - (i) The proper geometric design of driveways;
 - (j) The spacing between opposite and adjacent driveways and from any nearby intersection;
 - (k) The internal circulation between driveways and through parking areas;
 - (l) The size, location, and configuration of parking areas relative to the driveways; and
 - (m) The speed of the adjacent roadway.
- (3) Access Point Location – Each access point location shall conform to access management plans or corridor improvement plans that have been adopted by the Town of Fortville or INDOT, as applicable.
- (4) Access Points within Right-of-Way – Driveways including the radii, but not including right-turn lanes or passing lanes and tapers, shall be located entirely within the right-of-way frontage unless otherwise approved by the road agency and upon written certification from the adjacent land owner agreeing to such encroachment.
- (5) Backing-up from Parking or Loading Area onto a Public Street or Service Drive – Driveway access to arterials shall not be permitted for any parking or loading areas that require backing maneuvers in a public street or road right-of-way. Driveway access to collector streets, local streets, or service drives for commercial, office, industrial, or multi-family developments shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way or onto a public or private service drive.
- (6) Relationship to Lot Line – No part of a commercial or industrial driveway shall be located closer than ten (10) feet from a lot line unless it is a common or shared

driveway as provided in Section 155.04 (F). This separation is intended to help control stormwater runoff, permit snow storage on site, and provide adequate area for any necessary on-site landscaping.

- (7) Existing Driveways – Except for shared driveways, existing driveways that do not comply with the requirements of this Chapter shall be closed when an application for a Change of Use Permit is required, or Site Plan requiring approval per the requirements of this Ordinance is submitted and once approval of a new means of access under this Chapter is granted. A closed driveway shall be graded and landscaped to conform to adjacent land, and any curb cut shall be filled in with curb and gutter per the standards of the applicable road authority. See also Section 155.07.
- (8) Intersection Sight Distance – Driveways shall be located so as not to interfere with safe intersection sight distance as determined by the appropriate road authority.
- (9) Adequate Corner Clearance – Driveways shall be located so as not to interfere with safe intersection sight distance as determined by Table 4.2 as long that distance is beyond any clear vision area owned by the road authority.
- (10) Traffic Signals – Access points on arterial and collector streets may be required to be signalized to provide safe and efficient traffic flow. Any signal shall meet the spacing requirements of the applicable road authority. A development may be responsible for all or part of any right-of-way, design, hardware, and construction costs of a traffic signal if it is determined that the signal is warranted by the traffic generated from the development. The procedures for the installation of the signal shall be in accordance with the criteria of the road authority with the Town of Fortville.

(C) Number of Driveways Permitted

- (1) Access for an Individual Parcel, lot, or building site (or for contiguous parcels, lots, or building sites under the same ownership) shall consist of either one (1) two-way driveway or a paired system wherein one driveway is designed, and appropriately marked, to accommodate ingress traffic and other egress traffic.
- (2) One driveway shall be permitted for each single-family and two-family residential lot or parcel.
- (3) A temporary access permit may be issued for field entrances per Section 155.06 for cultivated land, timber land, or undeveloped land, as well as for uses at which no one resides or works such as cellular towers, water wells, pumping stations, utility transformers, billboards, and similar uses. Field-entrances and utility-structure driveways will be reviewed on a case-by-case basis. The review shall take into account the proximity of the adjacent driveways and intersecting streets as well as traffic volumes along the roadway.

- (4) For a parcel, lot, or building site with frontage exceeding six-hundred (600) feet, or where a parcel, lot, or building site has frontage on at least two streets, an additional driveway may be allowed, provided the driveways meet the spacing requirement.
- (5) Certain developments generate enough traffic to warrant consideration of an additional driveway to reduce delays for exiting motorists. Where possible, these second access point should be located on a side street or service drive, or shared with adjacent uses, or designed for right-turn-in, rights-turn-out only movements, and shall meet the spacing requirement of this ordinance. To be considered for a second driveway on an arterial or collector street, combined approach volumes (entering and existing) of a proposed development shall be performed. Uses where a second driveway could be considered are influenced by the trip generation characteristics of uses and the volumes of adjacent roadways. Determination for a second driveway may require the completion of a Traffic Impact Study as explained in Section 155.02.
- (6) When alternatives to single, two-way driveway are necessary to provide reasonable driveway access to property fronting on an arterial street, and shared access or service drive are not a viable option, the following progression of alternatives should be used.
 - (a) One (1) standard, two-way driveway;
 - (b) Additional ingress/egress lanes on one (1) standard, two-way driveways;
 - (c) Two (2) one-way driveways;
 - (d) Additional ingress/egress lanes on two (2), one-way driveways;
 - (e) Additional driveway(s) on an abutting street with lower functional classification;
 - (f) Additional driveways on an arterial street. Note: Restricted turns and roadway modifications will be considered in conjunction with alternative driveway designs.

(D) Access Point Spacing Standards

- (1) Separation from Other Driveways
 - (a) The minimum spacing between un-signalized driveways and other access points shall be determined based upon posted speed limits along the parcel frontage (see Table 4.1), unless the appropriate road authority approves less based on the land use and restricted turns in the driveway design. The minimum spacing indicated below are measured from the centerline of one driveway to the centerline of the other driveway.

For sites with insufficient frontage to meet the table below, the Town of Fortville shall require one of the following: construction of the driveway along a side street, a shared driveway with an adjacent property, construction of driveway along the property line farthest from the intersection, or a service drive as described in Section 155.05. The Planning Administrator or Town Engineer may grant temporary access approval (see Section 155.06) until such a time that minimum spacing requirements can be met, or alternative access meeting the requirements of this ordinance is approved.

Table 4.1 Minimum Access Spacing Between Adjacent Commercial / Industrial Access Points

Posted Speed Limit (mph)	Minimum Spacing between Adjacent Access Points (feet)
25	130
30	185
35	245
40	300
45	350
50	455

Note: These values are considered minimums, based on the distances required to avoid conflicts between vehicles and turning right or left from adjacent driveways.

- (b) In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum driveway spacing standards, the Planning Administrator or Town Engineer shall have the authority to modify the driveway spacing requirements or grant temporary access approval until such time that minimum spacing requirements can be met, or alternative access meeting the requirements of this ordinance is approved. Such modifications shall be the minimum amount necessary, but in no case shall driveway spacing of less than sixty-five (65) feet be permitted by the Fortville Planning Administrator or Town Engineer.

- (2) Access Point Separation from Intersections – All single-family and two-family driveways shall be separated from the nearest right-of-way of an intersection street by at least fifty (50) feet. Driveways for all other land use shall be separated from the nearest right-of-way of an intersecting street, according to Table 4.2 below.

Table 4.2 Minimum Access Point Spacing from Streets and Other Intersections

Access Point	Minimum Spacing for a Full Movement Driveway or other Access Point (feet)	Minimum Spacing for Driveway Restricting Left-turns (Channelized for right-turn-in and right-turn-out only) (feet)
Along arterial or from <ul style="list-style-type: none"> ○ Expressway Ramps ○ Railroad crossings ○ Bridges ○ Median openings 	300 INDOT determination 100 75	300 INDOT determination 100 75
Along arterial or from another Intersecting Arterial	300	125
Along arterial intersecting a collector or local Street	200	125
Along a collector	125	75
Along a local street or private road	75	50

Note: Arterials and collectors are classified in the Fortville Thoroughfare Plan. May need to contact INDOT for site-specific determination regarding railroad crossings along arterials.

- (a) Access Point Spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the travel lane on the intersecting street, as shown in Figure 4.1 unless otherwise noted.
- (b) The minimum distance between an access point an intersecting street shall be based on Figure 4.1 and the following:

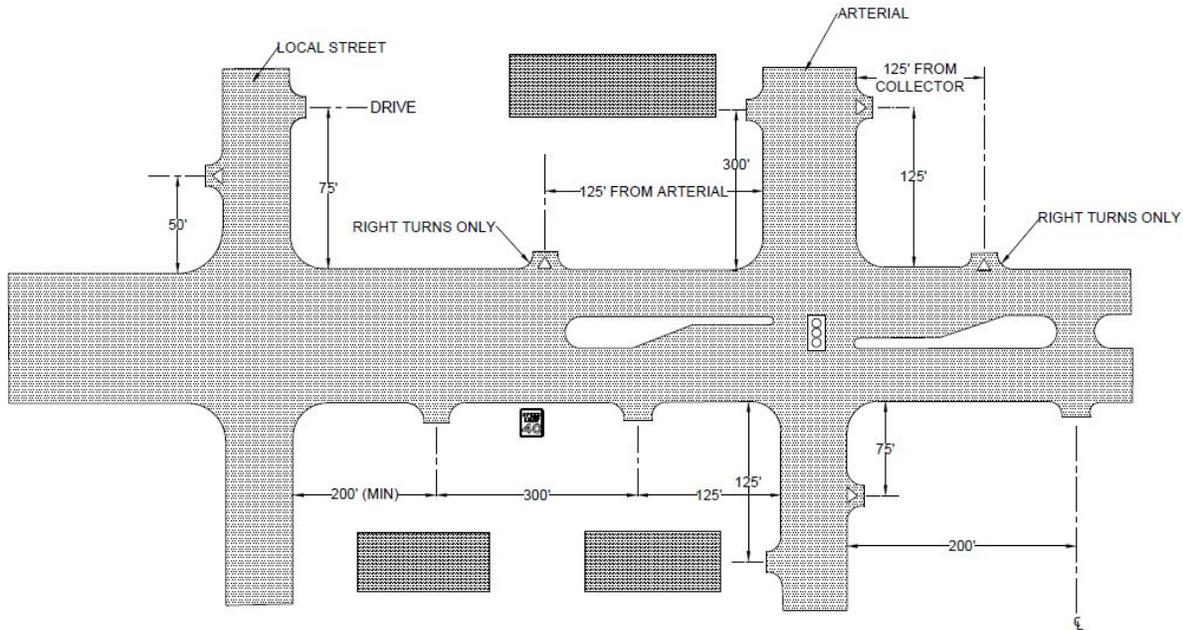


Figure 4.1 Typical Driveway Spacings

- (c) If the amount of lot frontage is not sufficient to meet the above criterion, the driveway shall be constructed along the property line farthest from the intersection to encourage future shared use, and/or a frontage road or rear services drive shall be developed as described in Section 155.05.
- (d) For parcels on which an alternative means of access (shared driveway, frontage road, service drive or connected parking lots) is not feasible due to parcel size or existing adjacent development, the Planning Administrator or Town Engineer may allow a non-channelized, full movement driveway provided that:
 - (i) The driveway is spaced no closer to the intersection than the minimum spacing allowed for a right-turn-in, right-turn-out driveway; and
 - (ii) A traffic study conducted by a registered traffic engineer shows a right-turn-in, right-turn-out driveway does not provide reasonable access or desired safety; and

(iii) A traffic study conducted by a registered traffic engineer provides substantial justification that the driveway operation will not create safety problems at the adjacent intersection.

- (3) Access Alignment – To prevent left-turn conflicts, two-way driveways shall not be across from an expressway ramp and shall be either:
- (a) Offset in accordance with the minimum spacing standards in Table 4.2, or
 - (b) Perpendicular to the existing public street or an approved private road and shall line up with existing or planned driveways on the opposite side of the road wherever facing lots are not separated by a median, unless doing so in a particular case is substantially demonstrated by a registered traffic engineer to be unsafe.

(E) Driveway Design and Construction Standards

(1) Driveway or Throat Width

- (a) No single- or multi-family driveway shall have a width of less than nine (9) feet or more than sixteen (16) feet at the public road right-of-way. The driveway opening, including flares, shall not be more than one and one-half (1.5) times the width of the driveway at the right-of-way line.

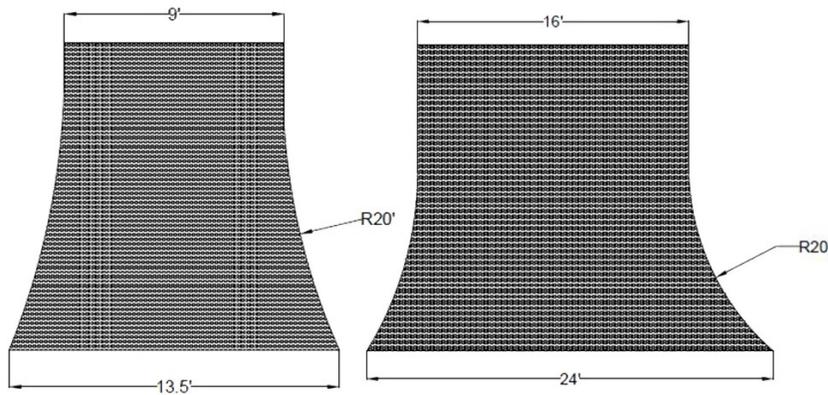
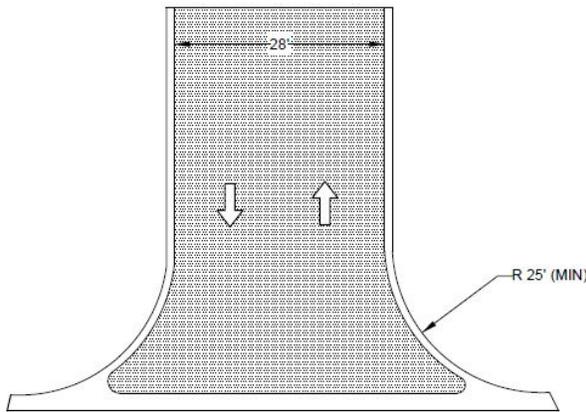


Figure 4.2 Example of driveway flare widths

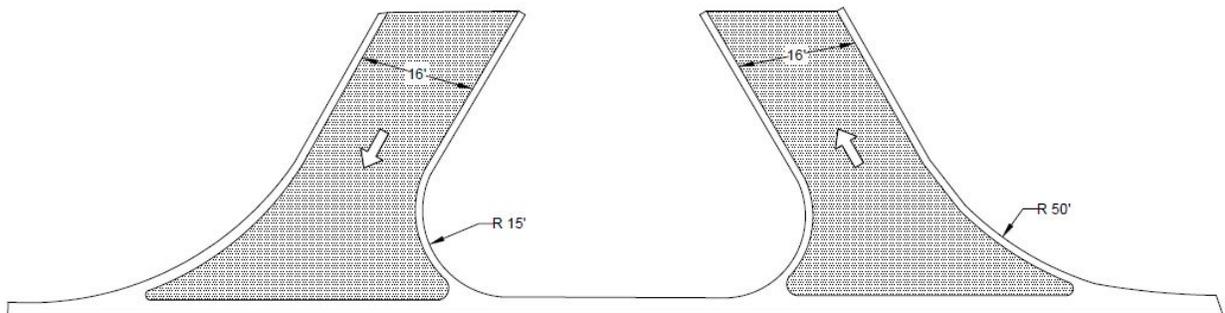
- (b) The typical commercial driveway design shall include one ingress lane and one egress lane with a combined maximum throat width of twenty-eight (28) feet, measured from curb face to curb face (see Figure 4.2a)
- (c) Where exiting traffic volumes are expected to exceed one-hundred (100) directional trips per peak hour, or in areas where congestion along the arterial may create significant delays, as determined by the Planning Administrator or Town Engineer, two exit lanes shall be required. The total width of such a driveway shall be between thirty-seven (37) and thirty-nine (39) feet, with one (1) fifteen (15)-foot wide ingress lane and two (2) eleven (11)- to twelve (12)-

foot wide egress lanes. A four- to ten-foot (4-10) wide landscaped median with salt tolerant species shall separate the ingress and egress lanes.

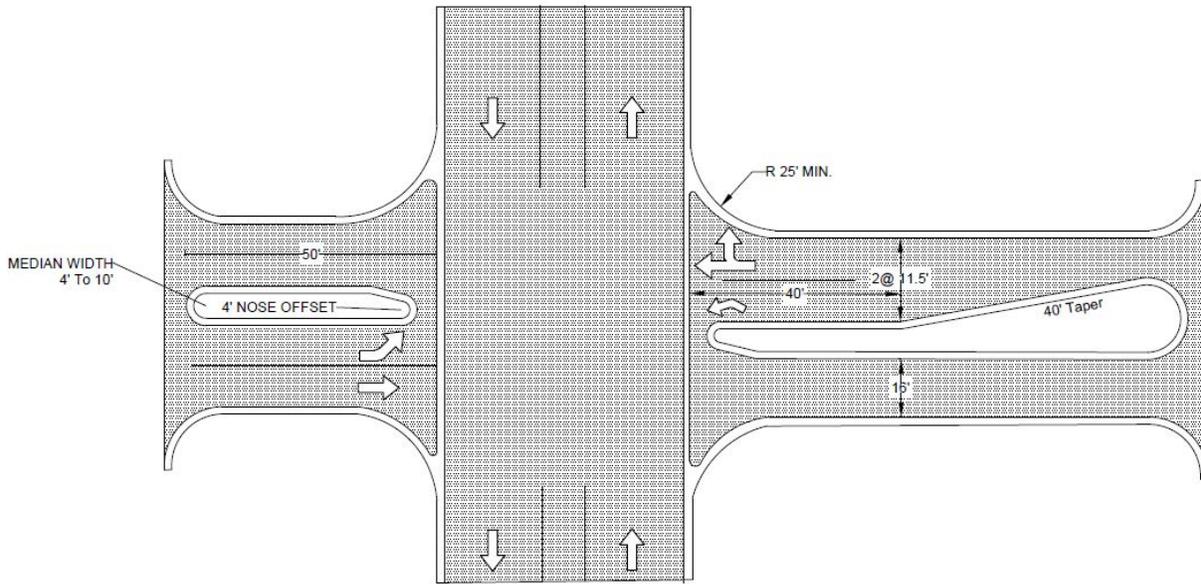
- (d) For access systems, which include a pair of one-way driveways, each driveway shall be a minimum of sixteen (16) feet wide, measured perpendicularly (See Figure 4.2c)
- (e) The radii forming the edges of the median shall be designed to accommodate the largest vehicle that will normally use the driveway. Where median or boulevard driveways are located across the street from each other, the left-turn egress lanes shall be aligned directly across from one another to minimize left turn conflicts (see Figure 4.2d). Boulevard driveways should not be constructed at existing or future traffic signal locations unless there is a left-turn lane where the boulevard meets the road right-of-way. Ground or monument signs shall not be permitted in boulevards if they would block motorist vision or otherwise create an unsafe condition.



a. Typical Two-way Driveway

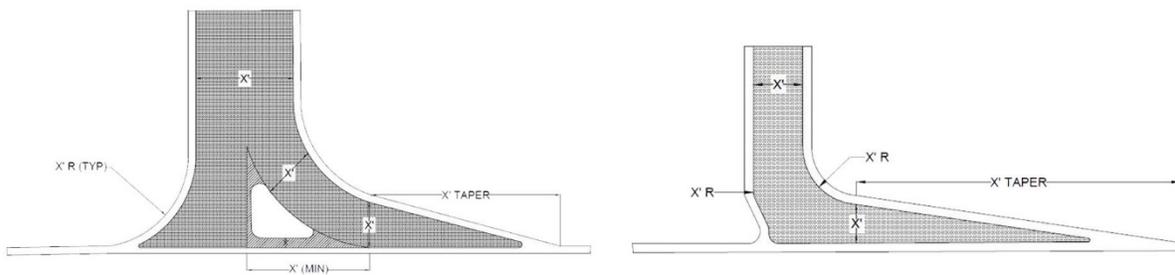


b. One-way Driveways

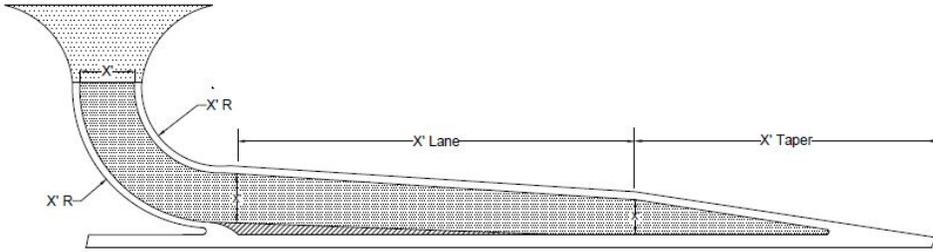


c. Boulevard and High-use Driveways
 Figure 4.3 Typical Driveway Configurations

(2) Restricted Access Driveway – Left-turn and right-turn movements on and off roadways typically have the greatest impact on traffic flow and crash frequency. Therefore, where driveways are to be located in a segment defined in adopted corridor studies as having a high crash rate or significant traffic congestion/delays, or where left-turn access is available through alternative means of access, the Planning Administrator or Town Engineer may require driveway design and signing which discourages certain turning movements. Where driveways are intended to control specific left-turn and/or right-turn ingress and egress, the design shown in Figure 4.3 shall apply. Similar designs shall be accepted, provided that they are approved by INDOT, if applicable.



- a. To prevent left-turn ingress movements
- b. To allow right-turn in only



c. To allow right-turn in only

Note: the dimension of 'x' is variable depending on site conditions, speed, number of vehicles, and the design needs of the vehicles to use it. Further guidance for these dimensions can be found in the INDOT Design Manual.

Figure 4.4 Channelization island options for controlling turns

- (3) Throat Length or Vehicle Stacking/Storage Space – There shall be minimum of twenty (20) feet of throat length for entering and exiting vehicles at the intersection of a driveway and pavement of public road or service drive, as measured from the pavement edge. For driveways serving between one-hundred (100) and four-hundred (400) vehicles in the peak hour (two-way traffic volumes), the driveways shall provide at least sixty (60) feet of throat length. For driveways serving over four-hundred (400) vehicles per peak hour (two-way traffic volume) and for all driveways controlled by a traffic signal, adequate throat length shall be determined by a Traffic Impact Study. In areas where significant pedestrian/bicycle travel is expected, the ingress and egress lanes should be separated by a four- to ten- (4-10) foot wide median with pedestrian refuge area. In the absence of adequate traffic volume data, application of the commonly used values in Table 4.3 is appropriate.

Table 4.3 Minimum Driveway Throat Length

Land Use	Building Site	Minimum Throat Length (Feet)	
		Collector	Arterial
Apartments	<100 Units	25	50
	100-200 Units	50	75
	>200 Units	75	125
Office	<50,000 Sq. ft.	25	50
	50,000-100,000 sq. ft.	25	75
	100,000-200,000 sq. ft.	50	100
	200,000-500,000 sq. ft.	100	150
	<500,000 sq. ft.	125	250
Retail	<30,000 sq. ft.	25	50
	>30,000 sq. ft.	25	75
Shopping Center	<250,000 sq. ft.	25	50
	250,000-500,001 sq. ft.	50	75
	500,000-750,000 sq. ft.	75	200
	>750,000 sq. ft.	125	250
Supermarket	<20,000 sq. ft.	50	75
	>20,000 sq. ft.	75	125
Restaurant	<15,000 sq. ft.	25	50
	>15,000 sq. ft.	25	75
Drive-in Restaurant	<2,000 sq. ft.	25	75
	>2,000 sq. ft.	50	100
Motel	<150 Rooms	25	75
	>150 Rooms	25	100
Light Industrial	<100,000 sq. ft.	25	50
	100,000-500,000 sq. ft.	50	100
	>500,000 sq. ft.	50	200

(4) Construction Standards

(a) Curb radii:

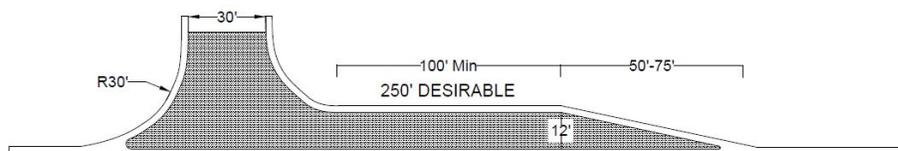
- (i) Driveways shall be designed with minimum twenty-five- (25) foot radii where primarily passenger vehicle traffic is expected.
- (ii) For sites where truck traffic is expected, the driveways shall be designed with a minimum thirty- (30) foot radii unless traffic analysis by a qualified traffic engineer reveals another radii is more appropriate for the vehicles expected to use the driveway.

(b) Deceleration lanes and tapers:

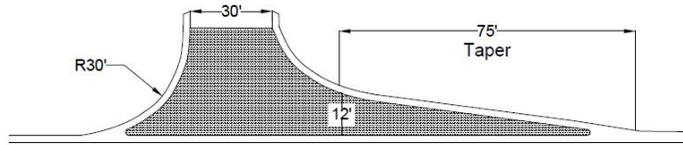
- (i) Where it can be demonstrated that driveway volumes are expected to exceed one-hundred (100) peak hour directional trips per hour, a right-turn taper, deceleration lane and/or left-turn bypass lane may be required
- (ii) Where site frontage allows and a right-turn lane is warranted, a taper between fifty (50) and two-hundred twenty-five (225) feet may be required. See examples in Figure 4.5.
- (iii) Where the amount of frontage precludes the construction of a deceleration lane and taper combination entirely within the property lines of a parcel, a request shall be made to the owner of the parcel to allow the installation of a right-turn bay and taper which extends beyond the property line. If permission cannot be obtained from the adjacent property owner for an extension onto that parcel, a taper of at least seventy-five (75) feet shall be constructed as shown in Figure 4.5b.
- (iv) A continuous right-turn lane may be required where driveway spacing requirements restricts the use of consecutive turn bays and tapers, and the Town Engineer concludes it can be constructed without being used as a thru lane.
- (v) For driveways located along streets without an exclusive left-turn lane, a bypass lane may be required, as illustrated in Figure 4.5c. Such a lane shall be designed to INDOT standards.

(c) Acceleration lanes:

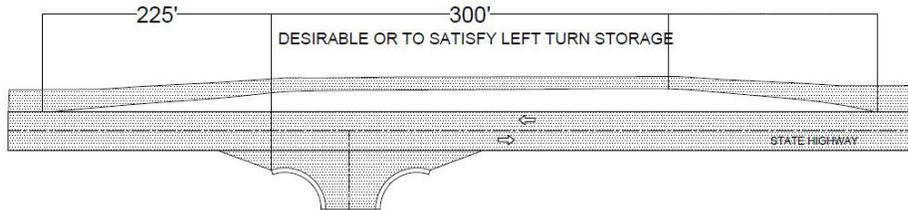
- (i) Generally, acceleration lanes are not permitted. However, where site frontage allows, and large semi-trucks and other slow-moving vehicles routinely access an arterial, an acceleration lane may be required in consultation with the applicable road authority.
- (ii) The acceleration lane shall be designed by a traffic engineer to meet the needs of vehicles using it, topography, sight distance, and other relevant factors.



a. Deceleration Taper with Parallel Lane



b. Deceleration Taper with Property Restrictions



c. T-intersection Bypass Lane

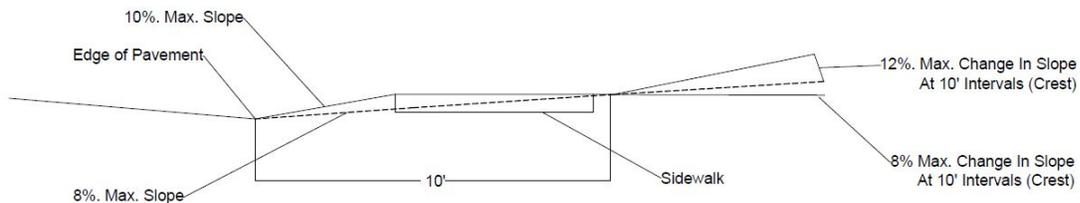
Note: all taper lengths should be based on posted speeds. See INDOT Design Manual for further guidance.

Figure 4.5 Deceleration and Bypass Lane Examples

(iii) Driveways shall not be permitted within an acceleration lane.

(d) Grades and drainage:

(i) Driveway shall be constructed such that the grade for the twenty-five (25) feet nearest the pavement edge or shoulder does not exceed one and one-half percent (1.5%: one and half foot vertical rise in one-hundred feet of horizontal distance) whenever feasible. Where not feasible, grades shall conform to Figure 4.6.



Note: when distance between the sidewalk and edge of pavement is 5' or less, tilt sidewalk to 1/2 ft. slope or match driveway approach grade.

Figure 4.6 Low Volume Commercial or Residential Driveway Slopes

(ii) Vertical curves with Minimum length of fifteen (15) feet shall be provided on driveway approaches at a change in grade of four percent (4%) or more.

- (iii) Driveways shall be constructed such that drainage from impervious areas located outside of the public right-of-way, which are determined to be in excess of existing drainage from these areas, shall not be discharged into the roadway drainage system absent the approval of the responsible agency. Storm drains or culverts, if required, shall be of a size adequate to carry the anticipated storm flow and be constructed and installed pursuant to the specifications of the responsible road authority.
 - (e) Surface and Curb Construction – Commercial and all other nonresidential driveways shall be constructed of a permanent asphalt or concrete material sufficient to provide the bearing capacity needed to carry the anticipated traffic loads as determined by the appropriate road authority unless the road authority approves use of another material. Where a driveway connects with a curbed road, it shall be paved and curbed from the edge of pavement to either the right-of-way line or point of curvature of the radius returns. All soil erosion and sedimentation requirements shall be met.
 - (f) Directional Signs and Pavement Markings – To ensure smooth traffic circulation on site, directional signs and pavement markings shall be installed at the driveway(s) in a clearly visible location as required by the Town of Fortville as part of the site plan review process and approved by INDOT, as applicable, and shall be maintained on the permanent basis by the property owner. Directional signs and pavement marking shall conform to standards in the Indiana Manual on Uniform Traffic Control Devices.
- (F) Shared Access – Shared access is strongly encouraged, and in some cases may be required. When required, one or more of the following options, and the standards of Section 155.05, apply:
- (1) Shared Driveways – Sharing or joint use of a driveway by the two or more property owners shall be encouraged. In cases where access is restricted by spacing requirements of Section 155.04 (D), “Access Point Spacing Standards”, a shared driveway may be the only access allowed. The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another, and/or access the public street.
 - (2) Frontage Roads – In cases where the frontage road exists, is recommended either in the Town Comprehensive Plan or in an adopted corridor study, and/or is proposed in an approved site plan for adjoining lot or parcel, access shall be provided via such frontage road, rather than by direct connection to the abutting arterial street.
 - (3) Rear Service Drives – Rear service drives shall be encouraged, especially for locations where a connection to a side street is available. In addition to access along the rear service drive, direct connection(s) to the arterial street may be allowed, provided that the driveways meet the requirement of Section 155.04 (C) and 155.04 (D).

- (G) Parking Lot Connections – Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where physically feasible, as determined by the Planning Administrator or Town Engineer. For developments adjacent to vacant properties, the site shall be designed to provide for the future connection. A written access easement signed by both landowners shall be presented as evidence of the parking lot connection prior to the issuance of any final approval.
- (H) Access Easements – Shared driveways, cross shared driveways, connected parking lots and service drives shall be recorded as an access easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities should be recorded with the deed.
- (I) Medians and Median Openings:
 - (1) The type, location and length of medians on public roads shall be determined by the entity having jurisdiction over such roads. This determination will be made in consultation with the Planning Administrator or Town Engineer and will be based on existing and projected traffic conditions; the type, size, and extent of existing and projected development and traffic generated by development; traffic control needs; and other factors.
 - (2) The minimum spacing between median openings shall be as shown in Table 4.4:

Table 4.4 Minimum Directional Median Opening Spacing

Location	Directional Crossover Spacing (feet)
Urban	360
Suburban	900
Rural	1,320

Note: Urban and Suburban contexts are defined within the Town of Fortville Thoroughfare Plan.

- (3) Median openings intended to serve development must meet or exceed the minimum median opening spacing standards and must also be justified by a Traffic Impact Analysis approved by the entity having jurisdiction over such roads, in consultation with the Planning Administrator or Town Engineer. The cost for preparation of the Traffic Impact Analysis and construction of the median opening or openings, including installation and operation of signals and other improvements, where warranted, shall be borne by the applicant.

§ 155.05 – Service Drives and Other Shared Access Standards

- (A) The use of shared access, parking lot connections, and service drives—in conjunction with driveway spacing—is intended to preserve traffic flow along major thoroughfares and minimize traffic conflicts, while retaining reasonable access to the property. Where noted above, or where the Planning Administrator or Town Engineer determines that restricting new access points or reducing the number of existing access points may have a beneficial impact on traffic operations and safety while preserving the property owner’s right to reasonable access, then access from a side street, a shared driveway, a parking lot connection, or service drive connecting two or more

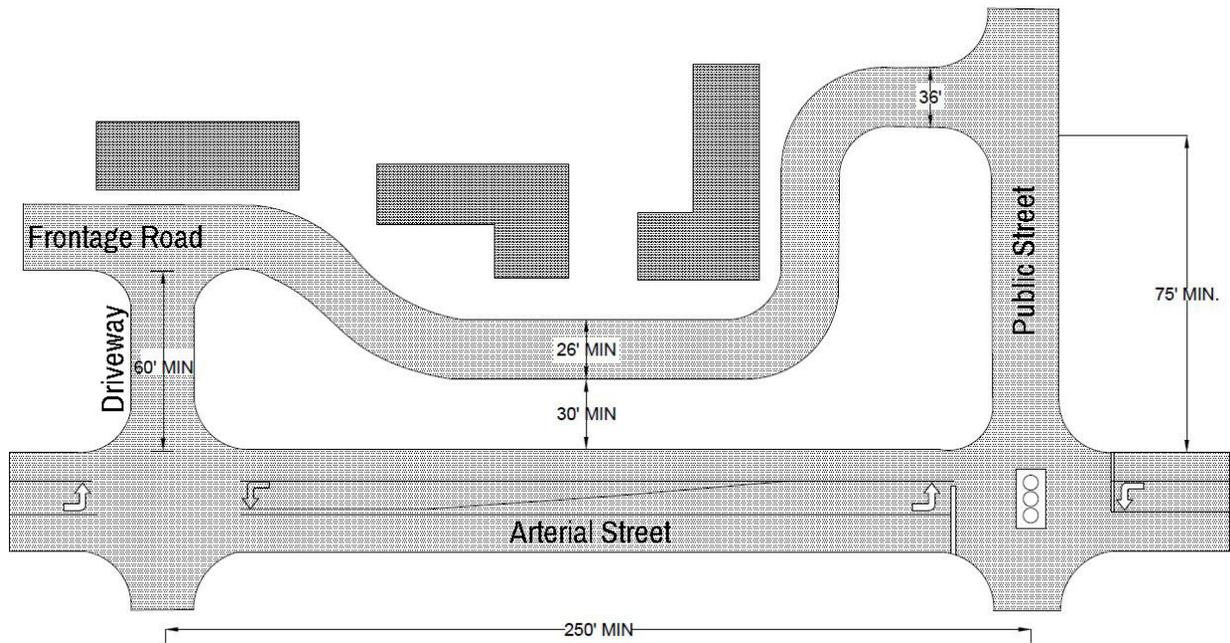
properties or uses may be required instead of more direct connection to the arterial or collector street. However, where traffic safety would be improved, and the driveway spacing requirements of this ordinance can be met, then direct connection to the arterial or collector street may be allowed in addition to a required service drive.

- (1) Shared access, service drives, or at least a connection between abutting land uses may be required in the following cases:
 - (a) Where the driveway spacing standards of this section cannot be met.
 - (b) Where recommended in the Town of Fortville Thoroughfare Plan and/or other corridor or sub-area plans of the Town of Fortville Comprehensive Plan.
 - (c) When the driveway could potentially interfere with traffic operations at an existing or planned traffic signal location.
 - (d) The site is along a collector or arterial with high traffic volumes, or along segments experiencing congestion or a relatively high number of crashes.
 - (e) The property frontage has limited sight distance.
 - (f) The fire (or emergency services) department recommends a second means of emergency access.
- (2) In areas where frontage roads or rear service drives are recommended, but adjacent properties have not yet developed, the site shall be designed to accommodate a future road/facility adhering to the standards of this Chapter. The Planning Administrator or Town Engineer may approve temporary access points where a continuous service drive is not yet available and an irrevocable letter of credit, performance bond, or escrow is accepted to assure elimination of temporary access when the service road is constructed. (See Section 155.06).

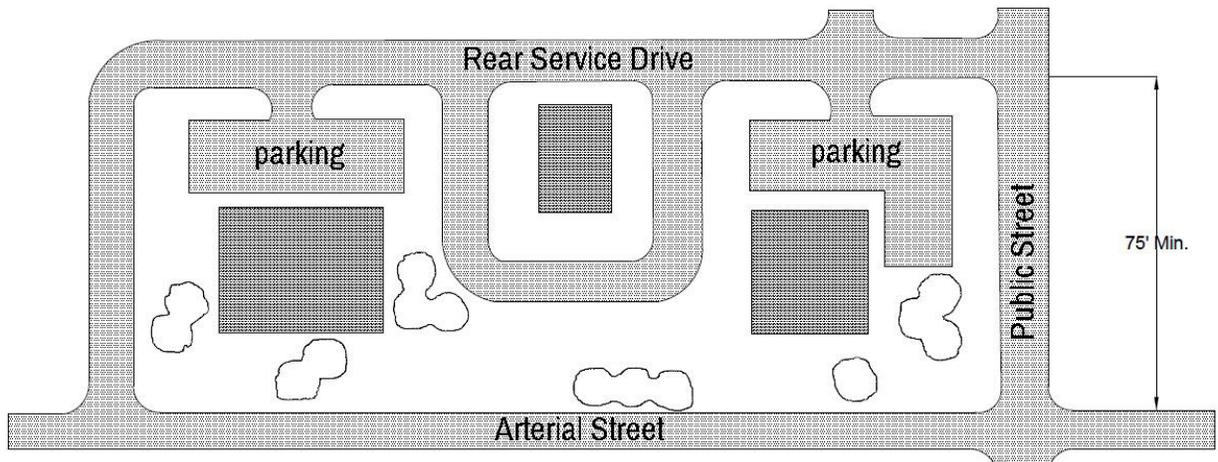
(B) Notwithstanding the requirements of the Hancock County, Indiana Subdivision Control Regulations, the standards for all the services drives shall be as follows:

- (1) Site Plan Review – The Planning Administrator or Town Engineer shall review and approve all service drives to ensure safe and adequate continuity of the service drive between contiguous parcels as part of the site plan review process.
- (2) Front and Rear Service Drives – A front or rear service drive may be established on property that abuts only one public road. The design of a service road shall conform with national design guideline such as those identified in the Transportation Research Board (TRB) *National Access Management Manual*, the American Association of State Highway and Transportation Officials (AASHTO) “Green Book,” and National Cooperative Highway Research Program (NCHRP) Report 348: *Access Management Guideline to Activity Centers* and Report 420: *Impact of Access Management Techniques*.

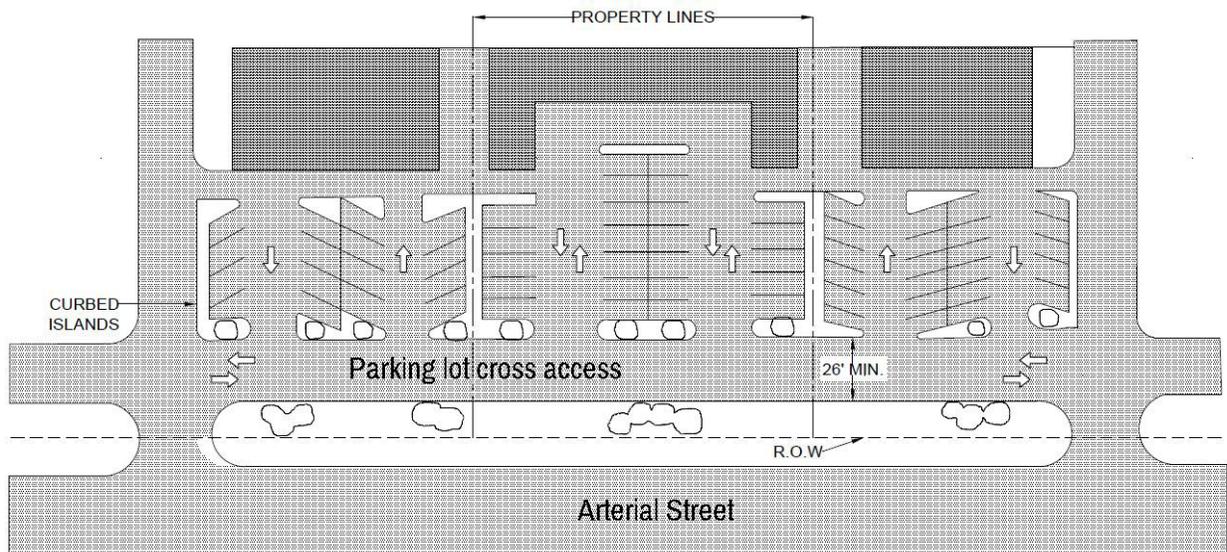
- (3) Location – Service roads shall generally be parallel to the front property line and may be located either in front of, or behind, principal buildings and may be placed in required yards. In considering the most appropriate alignment for a service road, the Planning Administrator or Town Engineer shall consider the setbacks of existing and/or proposed buildings and anticipated traffic flow for the site.
- (4) Width and Construction Material – A service drive shall be within an access easement permitting traffic circulation between properties. The easement shall be recorded with the County Recorder. This easement shall be at least forty (40) feet wide. A service drive shall have a minimum pavement width of twenty-six (26) feet, measured curb-face to curb-face with an approach width of thirty-six (36) feet at intersections. The service drive shall be constructed of a paved surface material that is resistant to erosion and shall meet the appropriate road authority standards for base and thickness of asphalt or concrete, unless the community has more restrictive standards.
- (5) Snow Storage and Landscaping Area – Frontage roads shall have a minimum setback of thirty (30) feet from the right-of-way, with a minimum of sixty (60) feet of storage at intersection for entering and exiting vehicles as measured from the pavement edge (See Figure 5.1a).



a. Frontage Road



b. Rear Service Drive



c. Parking Lot Cross Access

Figure 5.1 Shared Access Example Diagrams

- (6) Distance from Intersection or Service Drives – Frontage road and service drive intersections at the collector or arterial street shall be designed according to the same minimum standards as described for driveways in Section 155.04 (D.2).
- (7) Driveway Entrance – The Planning Administrator or Town Engineer shall approve the location of all accesses to the service drive, based on the driveway spacing standards of this Chapter. Access to the service drive shall be located so that there is no undue interference with the free movement of service drive and emergency vehicle traffic, where there is safe sight distance, and where there is a safe driveway grade as established by the applicable road authority.

- (8) Driveway Radii – All driveway radii shall be concrete curbs and conform to the requirements of Section 155.04 (E.4).
- (9) Acceleration Lanes and Tapers – The design of the driveway, acceleration, deceleration or taper shall conform to requirement of Section 155.04 (E.4).
- (10) Elevation – The elevation of a service drive shall be uniform or gently sloping between adjacent properties.
- (11) Service Drive Maintenance – No service drive shall be established on existing public right-of-way. The service drive shall be a public street (if dedicated to and accepted by the public) or a private road maintained by the adjoining property owners it serves who shall enter into a formal agreement for the joint maintenance of the service drive. The agreement shall also specify who is responsible for enforcing speed limits, parking and related vehicular activity on service drive. The agreement shall be approved by the Town Attorney and recorded with deed of each property it serves by the County Recorder. If the service drive and charge back the costs directly or by special assessment to the benefiting landowners if they fail to properly maintain a service drive.
- (12) Parking Areas – All separate parking areas (i.e. those that do not use joint parking cross access) shall have no more than one (1) access point or driveway to the service drive.
- (13) Parking – The service road is intended to be used exclusively for circulation, not as a parking, loading, or unloading aisle. Parking shall be prohibited along two-way frontage roads and services drives that are constructed at the minimum width (see Section 155.05 B.4 above). One-way roads or two-way roads designed with additional width for parallel parking may be allowed if it can be demonstrated through a traffic study that on-street parking will not significantly affect the capacity, safety, or operation of the frontage road or service drive. The Planning Administrator or Town Engineer may require the posting of “No Parking” signs along the service road. As a condition to site plan approval, the Planning Administrator or Town Engineer may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road.
- (14) Directional Signs and Pavement Markings – Pavement markings may be required to help promote safety and efficient circulation. The property owner shall be required to maintain all pavement markings. All directional signs and pavement markings along the service drive shall conform to the current Indiana Manual on Uniform Traffic Control Devices.
- (15) Pedestrian and Bicycle Access – Separate, safe access for pedestrians and bicycles shall be provided on a sidewalk or paved path that generally parallels the service drive unless alternate and comparable facilities are approved by the Planning Administrator or Town Engineer.

- (16) Number of Lots or Dwellings Served – No more than twenty-five (25) lots or dwelling units may gain access from a service drive to a single public street.
- (17) Service Drive Signs – All new public and private service drives shall have a designated name on a sign meeting Town Standards.
- (18) In the case of expansion, alteration or redesign of existing development where it can be demonstrated that pre-existing conditions prohibit installation of a frontage road or a service drive in accordance with the aforementioned standards, the Planning Administrator or Town Engineer shall have the authority to allow and/or require alternative cross access between adjacent parking areas through the interconnection of the main circulation aisles. Under these conditions, the aisles serving the parking stalls shall be aligned perpendicularly to the access aisle, as shown in the Figure 5.1c, with islands, curbing, and/or signage to further delineate the edges of the route to be used by through traffic.

§ 155.06 – Temporary Access Permits

- (A) A temporary access permit may be conditionally issued to a property included in an adopted corridor or access management plan that programs road improvements and installation of service drives and shared driveways that would eliminate the need for the temporary driveway.
- (B) Conditions may be included in the temporary access permit including but not limited to, a limitation on development intensity on the site until adjoining parcels develop which can provide a shared driveway, shared access via a service drive, and/or cross parking lot connection consistent with the requirements of Section 155.05.
- (C) A temporary access permit shall expire when the use of the site for which the temporary access permit was granted has ceased for twelve (12) months or more, or the use of the site or the driveway has changed such that the use of the driveway has increased from its initial level at least fifty percent (50%).
- (D) A site plan for property that cannot meet the access requirement of Section 155.05, nor the waiver standards in Section 155.08, and has no alternative means of reasonable access to the public road system may be issued a temporary access permit. When adjoining parcels develop which can provide a shared driveway, shared access via a service drive or a cross parking lot connection, the temporary access permit shall be rescinded and an application for an access permit consistent with the requirements of Section 155.05 shall be required.

§ 155.07– Nonconforming Driveways

- (A) Driveways that do not conform to the regulations in this Chapter, and were constructed before the effective date of this Chapter, shall be considered legal nonconforming driveways.
- (B) Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose as shown on the approved site plan, or a plot plan, for a period of twelve (12) months or more. Any reuse of the driveway may only take place after driveway conforms to all aspects of this Chapter.

- (C) Legal nonconforming driveways may remain in use until such time as the use of driveway or property is changed or expanded in number of vehicle trips per day or in the type of vehicles using the driveway (such as many more trucks) in such a way that impact the design of the driveway. At this time, the driveway shall be required to conform to all aspects of the Ordinance.
- (D) When the owner of a property with an existing, nonconforming driveway(s) applies for a permit to upgrade or change the use of the property, the Planning Administrator or Town Engineer will determine whether it is necessary and appropriate to retrofit the existing driveway or driveways.
- a. The property owner may be required to establish a retrofit plan. The objectives of the retrofit plan will be to minimize the traffic and safety impacts of development by bringing the number, spacing, location, and design of driveways into conformance with the standards and requirements of this Chapter, to the extent possible without imposing unnecessary hardship on the property owner. The retrofit plan may include:
 - i. Elimination of driveways,
 - ii. Realignment or relocation of driveways,
 - iii. Provision of shared driveways and/or cross parking lot connection,
 - iv. Access by means of a service drive,
 - v. Restriction of vehicle movements (e.g. elimination of left-turns in and out),
 - vi. Relocation of parking,
 - vii. Traffic demand management (e.g. a reduction in peak hour trips),
 - viii. Signalization, or
 - ix. Such other changes as may enhance traffic safety.
 - b. The requirements of the retrofit plan shall be incorporated as conditions to the permit for the change or upgrade of use and the property owner shall be responsible for the retrofit.
- (E) Driveways that do not conform to the regulations in this Chapter and have been constructed after its adoption shall be considered illegal driveways.
- (F) Illegal driveways are a violation of this Chapter. The property owner shall be issued a violation notice that may include closing off the driveway until any nonconforming aspects of the driveway are corrected. Driveways constructed in illegal locations shall be immediately closed upon detection and all evidence of the driveway removed from the right-of-way and site on which it is located. The costs of such removal shall be borne by the property owner.
- (G) Nothing in this Chapter shall prohibit the repair, improvement, or modernization of lawful nonconforming driveways, provided it is done consistent with the requirements of this Chapter.

§ 155.08 – Waivers

- (A) The granting of waivers shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored. Under no circumstances shall a waiver be granted, unless not granting the waiver would deny all reasonable access, endanger public health, welfare or safety, or cause an exceptional and undue hardship on the applicant. No waiver shall be granted where such hardship is self-created.

(B) Any applicant for access approval under the provisions of this Chapter may apply for a waiver of its standards if the applicant cannot meet one or more of the standards according to the procedures provided below:

- a. For waivers on properties involving land uses with less than five-hundred (500) vehicle trips per day (based on rates published in the Trip Generation manual of the Institute of Transportation Engineers):

Where the standards in this Chapter cannot be met, suitable alternatives, substantially achieving the intent of the Chapter may be accepted by the Planning Administrator or Town Engineer, provided that all of the following apply:

- i. The use has insufficient size to meet the dimensional standards.
- ii. Adjacent development renders adherence to these standards economically unfeasible.
- iii. There is no other reasonable access due to topographic or other considerations.
- iv. The standards in this Chapter shall be applied to be the maximum extent feasible.

- b. For waivers on properties involving land uses with more than five-hundred (500) vehicle trips per day (based on the rates published in the Trip Generation Manual of the Institute of Transportation Engineers):

During site plan review the Planning Administrator or Town Engineer shall have the authority to waive or otherwise modify the standards of this Chapter following an analysis of suitable alternatives documented by a registered traffic engineer and substantially achieving the intent of this Chapter provided all of the following apply:

- i. Access via a shared driveway or front or rear service drive is not possible due to the presence of existing buildings or topographic conditions.
- ii. Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
- iii. The use involves the redesign of an existing development or a new use that will generate less traffic than the previous use.
- iv. The proposed location and design is supported by INDOT, as applicable, as an acceptable design under the circumstances.

§ 155.09 FEES IN ESCROW FOR PROFESSIONAL REVIEWS

- (A) Any application for rezoning, subdivision approval, location improvement permit, site plan approval, Special Use Permit, Planned Unit Development, variance, or other use or activity requiring a permit under this Ordinance above the following threshold, may also require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee may be required by either the Planning Administrator or Town Engineer for any project which requires a traffic impact study under Section 155.02, or which has more than twenty (20) dwelling units, or more than fifteen-thousand (15,000) square feet of enclosed space, or which requires more than twenty (20) parking spaces. An escrow fee may be required to obtain a professional review of any other project which may, in the opinion of the Planning

Administrator or Town Engineer, create an identifiable and potentially negative impact on public roads, other infrastructure or services, or on adjacent properties, and because of which, professional input is desired before a decision to approve, deny, or approve with conditions is made.

- (1) The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Fortville values to review the proposed application and/or site plan of an applicant. Professional review will result in a report to the Town of Fortville indicating the extent of conformance or nonconformance with this Ordinance and to identify any problems that may create a threat to the health, safety or general welfare of the public. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by the Town of Fortville and a copy of the statement of expenses for the professional services rendered, if requested.
- (2) No application for which an escrow fee is required will be processed until the escrow fee is deposited with the Town of Fortville Clerk-Treasurer. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Planning Administrator or Town Engineer.
- (3) If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any approval or permit issued by the Town of Fortville in response to the applicant's request. Any unused fee collected in escrow shall be promptly returned to the applicant once a final determination on an application has been made or the applicant withdraws the request and expenses have not yet been incurred.
- (4) Disputes on the costs of professional reviews may be resolved by an arbitrator mutually satisfactory to both parties.