

Chapter Seven

Development Plan

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7.1 Intent

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to and from higher density sites, both within the site and on the access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; that there is a value in insuring that new development is an investment in the continued quality of life of the community rather than a cost; and further, that there are benefits to the public in conserving natural resources. Toward this end, the review and approval of a development plan by the Development Plan Committee of the Plan Commission is required of certain buildings and types of development that can be expected to have an impact on natural resources, traffic patterns and intensity, adjacent land uses, and the character of future urban development.

7.2 Buildings, Structures, and Uses Requiring a Development Plan:

Neither an Improvement Location Permit nor a Building Permit shall be issued for the construction of the following buildings, structures, or uses until a development plan in accordance with the requirements of this Ordinance has been reviewed and approved by the Development Plan Committee of the Plan Commission:

- A. Construction of any primary commercial or industrial building.
- B. Construction of an addition to a commercial or industrial building of five thousand (5,000) square feet of gross floor area; or, the construction of a secondary commercial or industrial building of five thousand (5,000) square feet of gross floor area.
- C. Construction of a multiple-family building containing three (3) or more dwelling units.
- D. Construction of an addition or renovation of an existing residential structure which would increase the total number of dwelling units within the structure to three (3) or more. This includes rooming or boarding establishments.
- E. Construction of three (3) or more residential structures on one lot, parcel, or tract of land, where each structure contains two (2) or more dwelling units.
- F. Construction in the Village Commercial District where the proposed development does not conform to the setback lines.
- G. Additional or multiple signs may be permitted by the Development Plan Committee for one or more entrances to a residential development.

7.3 Development Plan Required

- A. Except as otherwise specifically stated in this section, a Development Plan is required for all developments in the following zoning districts: AG, RR, MR, LR, VC & GC, and the Commission has exclusive authority to approve or disapprove development plans in these districts. A Development Plan is not required for the following land uses:
1. Adult or Child care center/institution
 2. Cemetery
 3. Commercial Forestry Production
 4. Communication tower
 5. Dwelling, single-family
 6. Dwelling, two-family
 7. Farm
 8. Fish hatchery
 9. Group Home
 10. Home Adult, Child or Day Care
 11. Home Occupations
 12. Kennel
 13. Livestock operations, minor or intensive
 14. Manufactured Home Type I or II
 15. Park
 16. Planned Unit Development
 17. Plant nursery
 18. Utility service structure, station or yard
- B. No Improvement Location Permit or Building Permit shall be issued until a Development Plan is approved.

7.4 Application for Development Plan

- A. The following items shall be submitted to the Department to initiate reviews of a Development Plan:
1. Completed application form signed by the property owner.
 2. Site plan, drawn on one or more sheets of paper measuring not more than twenty-four (24) inches by thirty-six (36) inches, drawn to a scale as large as practical, and including the following information:
 - a. Scale, date, north arrow, vicinity map, and title of the project;
 - b. The boundaries, dimensions, and gross acreage of the property;
 - c. The relationship of the development to the surrounding road system, including the width of the adjacent roadways;
 - d. The location and dimensions of existing manmade features such as roads, utilities, and structures, with indication as to which are to be removed, relocated, or altered.

- e. The location and dimensions of existing easements, watercourses, county drains, water and sewer lines, well and septic tank locations, and other existing important physical features in and adjoining the development;
 - f. The location and delineation of existing trees (12” in diameter or larger) and information as to which trees will be removed. Existing woods may be indicated as such on the plan;
 - g. Identification of existing land use and zoning of the petitioned site and adjacent properties;
 - h. A layout of the proposed building site including the following site data:
 - (1) Finished floor elevations
 - (2) Common open areas
 - (3) Landscaping and buffer areas
 - (4) Internal circulation patterns including off-street parking and loading facilities
 - (5) Total project density (residential)
 - (6) Building area
 - (7) Percentage of impervious and near impervious surface coverage
 - (8) Percentage of open space areas
 - (9) The shape, size, location, and height of all structures
 - i. Size, location, and orientation of proposed signs;
 - j. Proposed lighting of the premises;
 - k. Name and address of developers/property owners; and
 - l. Size and location of site utilities, including: sanitary sewer or septic, storm sewer, water, gas, and electricity.
3. Stormwater Management Plan, which shall include the following information:
- a. Contours of the site with elevations of the predeveloped site and proposed finished grade
 - b. Size of the watershed
 - c. Method of calculation of stormwater run-off
 - d. Location, size, and capacity of drainage facilities serving the development

- e. Proposal for the management of stormwater
- 4. Traffic Management Plan, which shall include the following information:
 - a. Traffic generation analysis for proposed use
 - b. Distribution and assignment of traffic
 - c. Adjacent roadway/intersection improvements
 - d. Future right-of-way dedications
 - e. Additional roadway needs
- 5. A description of the nature and intensity of proposed uses in the development.
- 6. Statement on capacity of sanitary sewer system to service the development.
- 7. Legal description of the property proposed for development.

7.5 Development Requirements

The following development requirements shall be satisfied before approval of a Development Plan:

- A. Availability of potable water, sanitary sewer or septic system, and other utilities necessary to operate and maintain the development in a manner that protects the health, safety, and welfare of the general public.
- B. An approved stormwater detention facility.
- C. Compliance with the following development standards, as required in the applicable zoning district:
 - 1. lot size
 - 2. lot frontage
 - 3. building setbacks
 - 4. building coverage
 - 5. building separation
 - 6. parking
 - 7. landscaping
 - 8. signs
 - 9. building height
 - 10. building width
 - 11. any other development standard in the applicable zoning district
- D. Management of traffic in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community by ensuring that:
 - 1. the design and location of proposed street and highway access points minimize safety hazards and congestion;

2. the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development; and
3. the entrances, streets, and internal traffic circulation facilities in the Development Plan are compatible with existing and planned streets and adjacent developments.

7.6 Development Plan Review

- A. Development Plans shall be reviewed by the Development Plan Committee in accordance with the Plan Commission Rules of Procedure.
- B. The Department shall establish a meeting date, time, and place for the Development Plan Committee to review the Development Plan.
- C. The Department may prepare a staff report, and may make a recommendation to the Committee.
- D. The Development Plan Committee may receive evidence from any person regarding the Development Plan.
- E. The Development Plan Committee shall review a Development Plan to determine if it;
 1. satisfies the development requirements as specified; and
 2. is consistent with the Comprehensive Plan.
- F. The Development Plan Committee shall make written findings concerning each decision to approve or disapprove a Development Plan. The chairperson of the Development Plan Committee, or the Director in the absence of the chairperson, shall sign the written findings of the Committee.

7.7 Waiver of Development Requirements

The Development Plan Committee may waive the following development requirements under the specific conditions listed:

- A. Section 7.2(c) – Availability of Stormwater detention facilities, if the development will have a negligible effect on increasing stormwater run-off or altering the flow of stormwater run-off.
- B. Section 7.2(d) – Traffic Management Plan, if the development will have a negligible effect on traffic generation, traffic congestion, or traffic safety.

7.8 Conditions of Approval

Prior to approval of a Development Plan, or amendment to an approved Development Plan, the Development Plan Committee, or Director in the case of an amended Development Plan that does not require Development Plan Committee approval, may:

- A. Impose conditions on the approval of a Development Plan if the conditions are reasonably necessary to satisfy the development requirements specified in Section 7.3;

- B. Require the submittal of a bond or written assurance that guarantees the timely completion of a proposed public improvement in the proposed development and is in a form that is satisfactory to the Committee; and
- C. Permit or require the owner of real property to make a written commitment concerning the use or development of the property. Such commitment shall be completed in accordance with the Plan Commission Rules of Procedure, and applicable law.

7.9 Amendment to an Approved Development Plan

- A. A property owner may file a written application with the Director to amend an approved Development Plan on property they own.
- B. The Director shall review modifications to the Development Plan and determine compliance with applicable land use and development standards and requirements and also determine whether a substantial deviation from the approved Development Plan has occurred.
 - 1. A substantial deviation shall include, but is not limited to:
 - a. Modification of building location which would affect setback distances or buffering from adjacent residential property;
 - b. Relocation of an access point to the site;
 - c. Major redesign of the parking and vehicular use area; or
 - d. Fundamental change in the overall concept of the development.
 - 2. If the Director determines that the proposed modification is inconsistent with the standards and requirements, or that a substantial deviation exists, the modified Development Plan must be resubmitted and approved by the Development Plan Committee in the same manner as an original Development Plan and prior to the issuance of an Improvement Location Permit.
- C. If the modified plan is consistent with applicable land use and development standards and requirements, and if no substantial deviation exists, the Director may approve the amended Development Plan.
- D. The Director shall make written findings concerning each decision to approve or disapprove an amendment to a Development Plan. The Director shall sign the written findings.

7.10 Duration of Approval of Development Plan

- A. Development Plan approval expires if an Improvement Location Permit is not issued within two (2) years from the date of approval.
- B. Upon request, and after good cause if shown, the time period within which an Improvement Location Permit must be issued may be extended by the Development Plan Committee for a time period not to exceed one (1) year.

- C. If the time period has expired without extension and without the issuance of such permit, the Director shall file with the records of the Plan Commission a certificate of non-compliance and no Improvement Location Permit shall be issued until a new application for Development Plan is approved.

7.11 Limitation of Authority

- A. A Development Plan authorizes only the development set forth in such approved plans and applications. Development different from the approved Development Plan, including any approved modifications thereto, shall constitute a violation of the Zoning Code.
- B. Approval of the Development Plan shall in no way exempt the applicant from strict observation of applicable provisions of the Zoning Code and all other applicable law.

7.12 Appeals

- A. Any decision or determination of the Development Plan Committee or of the Director may be appealed to the Plan Commission. The following procedures shall apply:
 - 1. Appeal shall be filed with the Department on a form provided by the Department within fourteen (14) days of the date of issuance of the decision.
 - 2. The Commission shall review the appeal request at its next regular meeting, provided the appeal is filed at least ten (10) days prior to the meeting. If this requirement cannot be met, the appeal shall be scheduled for the next following Commission meeting.
 - 3. The Commission may affirm, rescind, or modify the decision of the Director or Development Plan Committee. Only the item or items to which an appeal is filed shall be heard and decided by the Commission.
 - 4. No filing fee is required for an appeal.
- B. The decision by the Commission on an appeal request is a final decision of the Commission that may be reviewed as provided in IC 36-7-4-1016.