153.223 SITE DEVELOPMENT PLAN APPROVAL FOR MORE THAN EIGHT ATTACHED DWELLING UNITS AND USES IN THE BUSINESS/COMMERCIAL AND MANUFACTURING ZONING DISTRICTS

(A) Purpose: By reason of potential adverse effects on public services or to neighboring land uses, site development plan review and approval is required for all proposed multifamily complexes over eight units and for uses in the Business/Commercial and Manufacturing Districts. This is for the purposes of assuring proper accessibility, circulation, functional relationships of uses, and compatibility with adjoining and nearby development. Accordingly, no building or structure for more than eight (8) attached dwelling units and for uses in the Business/Commercial and Manufacturing Districts shall be erected, altered, or land used, nor shall an Improvement Location Permit be issued therefore, unless a development plan for such building structure and/or use shall have been presented to and approved by the Area Plan Commission. Uses by Special Exception are subject to approval by the Board of Zoning Appeals. The site plan approval in the Planned Unit Development District or the Residential Mobile Home District is set forth in those districts.

(B) Application for Site Development Plan Review:

(1) The development plan(s) specified herein shall be submitted to the Area Plan Commission Office along with an application for approval of development plan(s). Also due at the time of the submission of the development plan(s), is an application fee as set forth in the fee schedule adopted by the Area Plan Commission.

(2) The property owner(s) of record or an affidavit of designee by power-of-attorney shall be the applicant.

(3) The site development plan review submission deadline is the second Thursday of each month so that the Plan Commission may take action the following month.

(4) A person desiring the approval of a multifamily complex with over eight (8) units or any use in the Business/Commercial and Manufacturing Districts shall submit to the Plan Commission one (1) copy of a preliminary site plan. The preliminary site plan shall be drawn to a scale of not less than one hundred (100) feet to one (1) inch, on a sheet twenty-four (24) by thirty-six (36) inches. An exception may be made when the drawing, at that scale, requires more than two (2) sheets. The site plan may then be drawn at the scale of two hundred (200) feet to one (1) inch and shall contain the following information:

(a) Description:
- (i) Proposed name of the development
- (ii) A legal description showing development location
- (iii) Name and address of property owners
- (iv) Graphics scale, north point, and date

(b) Existing Conditions:
- (i) Boundary line of proposed development indicated by solid heavy line.
- (ii) Location of existing sewers, water mains, culverts, or other underground facilities, indicating pipe sizes and grades, within and adjoining the proposed development.
- (iii) Boundary lines of adjacent land, showing adjoining streets, easements and owner's names.
- (iv) Existing and proposed topography, contour interval not to exceed five (5) feet.
- (v) In the case of a revised site plan, all descriptive lines of the original site plan being vacated shall be shown by dotted lines in their proper position in relation to the arrangement of the plan, the new site plan being clearly shown in solid lines so as to avoid ambiguity and confusion.

(c) Proposed Conditions:
- (i) Proposed vehicular and pedestrian circulation plan including:
  - (A) The width of alleys, driveways, walkways, and easements,
  - (B) Location of off-street parking facilities and their dimensions and pavement surface materials.

(C) The location of all ingress and egress points with their corresponding dimensions.

(ii) Layout and elevations of proposed buildings and structures including:
- (A) Computation of lot area,
- (B) Building floor area,
- (C) Building coverage,
- (D) Building height
- (E) Number of dwelling units to be included (if any).

(iii) Parcels of land to be dedicated or reserved for public use.

(iv) Building setback line showing dimensions

(v) Location and size of proposed:
- (A) Recreational areas.
- (B) Commercial and service facilities, and any other structures that may be proposed.
- (C) Buffer areas, screening walls, and landscaping (including the location, height and materials).
- (D) Street lights.

(vi) Location of proposed site improvements indicating pipe capacities, sizes and grades, this shall include if warranted:
- (A) Sanitary sewers
- (B) Water mains
- (C) Storm sewers or on-site stormwater retention basin if the stormwater is to be released into a natural drainage way, creek or stream.

(vii) Proposed type, location, height and size, orientation and illuminations of all signs.

(viii) An explanation of the character of the development reporting the nature and intensity of uses in the development.

(ix) Any additional information specified for a site plan in Section 153.221(B).

(x) Additional information as deemed appropriate by the Area Plan Commission staff for determining compliance with this zoning ordinance.

(C) Referral of Site Development Plan for Agency Review and Comment:

(1) Upon the Area Plan Commission Executive Director's receipt of a site development plan, the Executive Director shall send a copy of the site plan for approval or comment to agencies with responsibilities for law enforcement, fire protection, potable water, street/road maintenance, liquid waste processing and disposal, and stormwater drainage. The Area Plan Commission Executive Director shall request acknowledgment of receipt of the plan and comment as to the effect the site development design would have on services from each agency. If a local stormwater drainage ordinance is passed by the affected jurisdiction, such requirements shall also be met. If there would be no impact or effect, it shall be so noted by the agency. Responses by the agencies shall be made to the Area Plan Commission in writing or verbally at the regular meeting of the Site Development Plan Review Committee.

(2) The agencies shall have seven (7) calendar days after the regular Site Development Plan Review Committee to provide supplemental responses or comments.

(3) The agency responses shall be provided to the applicant to take corrective action prior to the Plan Commission public hearing. Prior to the Plan Commission public hearing, the applicant shall provide any changes to the site development plan and any new letters from any agencies that previously expressed concerns.

(D) Site Development Plan Review Committee Membership, Review and Action:

(1) The site plan committee shall meet no later than thirty (30) days from the date of the submission of the application and development plan(s) to review the development plan.

(2) The Site Development Plan Review Committee of the Area Plan Commission shall consist of four (4) members of the Area Plan Commission, the building commissioner of the affected jurisdiction (if any), the director of the affected municipal sanitary and storm sewers or the Posey County Health Department Officer, and the Posey County Surveyor. The Site Development Plan Review Committee shall submit their proposed Findings of Fact and recommendation to the Area Plan Commission.

(3) The Site Development Plan Review Committee shall not approve such development plans unless it finds that such plan conforms to all applicable provisions of the Ordinance, that the safety and convenience of the public are properly provided for, and that adequate protection and separation are provided for contiguous and nearby residential property. The site plan committee may attach to its approval of a development plan any reasonable conditions, limitations, or requirements, which are found necessary in its judgment to effectuate the purpose of this Section and to carry out the spirit and purpose of this Ordinance.

(E) Public Notification of Public Hearing:

(1) Following action by the Site Development Plan Review Committee and at least ten (10) calendar days before the regularly scheduled Plan Commission public hearing, the Plan Commission staff shall ensure legal notice of the public hearing on the site plan application is published in the local newspaper with the widest circulation in the jurisdiction where the subject property is located.

(2) The Plan Commission staff shall provide the applicant with letters of Plan Commission public hearing notification of abutting property owners, and the applicant shall ensure the abutting property owners are notified by certified mail at least ten (10) calendar days before the Plan Commission public hearing. The applicant shall provide verification of the notification of abutting property owners at least two (2) business days prior to the Plan Commission public hearing

(3) The Plan Commission staff shall provide the applicant with a sign advertising subject of the public hearing and the date of the Plan Commission public hearing. At least ten (10) calendar days prior to the Plan Commission public hearing, the applicant shall have the sign posted on the front property line of the subject property so that the sign is visible from the public way.

(F) Public Hearing and Action:

(1) The Area Plan Commission will hold a public hearing on the development plan at its regularly scheduled meeting following action of the Site Development Plan Review Committee as follows:.

(a) Beginning with a description of the site plan and comments received from public agencies or departments reviewing the site plan to determine whether or not the site plan is in order.

(b) Then, the applicant may present the site plan and respond to any concerns raised by public agencies or departments.

(c) Proponents and opponents to the site plan are then given an opportunity to provide public testimony on the site plan.

(d) The applicant has an opportunity to response to any public comment.

(2) In passing upon and approving development plans, the Area Plan Commission shall consider the following:

(a) Compatibility of the development with surrounding land uses.

(b) Availability and coordination of water, sanitary sewers, storm water draining and other utilities.

(c) Management of traffic in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community. This includes but is not limited to consideration that the design and location of the proposed street and highway access points minimize safety hazards and congestion, that the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development and that the entrances, streets, and internal traffic circulation facilities in the development plan are compatible with existing and planned streets and adjacent developments.

(d) Building setback lines.

(e) Building coverage.

(f) Building separation.

(g) Vehicle and pedestrian circulation.

(h) Parking.

(i) Landscaping.

(j) Height, scale, materials and style of improvements.

(k) Signage.

(l) Recreation space.

(m) Outdoor lighting.

(n) Conformance with the Zoning Ordinance and the applicable Comprehensive Plan.

(3) Upon review and consideration of the public agency responses to the site plan and public testimony, the Plan Commission may:

(a) Approve the site plan as presented.

(b) Approve the site plan subject to stated specific corrections to which the applicant concurs. The corrected site plan will be submitted for approval by the President and Executive Director.

(c) Deny the site plan stating specific corrections that must be made by the applicant for the Plan Commission to approve the site plan. The applicant may resubmit the site plan with corrections at any time for a new public hearing consistent with the filing deadline and new public notification of the new public hearing.

(4) The Area Plan Commission may impose conditions on the approval of a development plan if the conditions are reasonably necessary to satisfy the development requirements specified in the zoning ordinance for approval of the development plan. In addition the Area Plan Commission may also provide that approval of a development plan is conditioned on the furnishing to the Area Plan Commission of a bond or written assurance that is satisfactory to the Area Plan commission and that guarantees the timely completion of a proposed public improvement in the proposed development.

(5) The President of the Area Plan Commission shall be responsible for signing the written Findings of Fact adopted by the Area Plan Commission. The decision of the Area Plan Commission shall be final and is appealable to the Court of Record pursuant to Indiana statute.

(6) Upon approval of the site plan by the Plan Commission President and Executive Director, the applicant may then apply for permit to begin construction.

(F) Compliance with the Approved Site Development Plan:

Any building, structure and/or use shall be erected, altered, installed, and maintained in full conformity with the provisions of this Ordinance and with the development plan(s), which have been approved by the Area Plan Commission.