

ORDINANCE NO. 121322

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 121410, AS AMENDED, OF THE CODE OF ORDINANCES OF THE TOWN OF McCORDSVILLE, INDIANA

WHEREAS, the Town Council of the Town of McCordsville, Indiana, has heretofore adopted Zoning Ordinance No. 121410, as amended, and has adopted as a part of the Code of Ordinances of the Town of McCordsville, Indiana; and

WHEREAS, upon the recommendation of staff regarding the best practices for regulating development, and the procedures and process for review and approval of development; and

WHEREAS, the Town Council of McCordsville, has, after a public hearing was held on November 15, 2022, received a favorable recommendation from the McCordsville Advisory Plan Commission; and

WHEREAS, the Town Council has found that such amendments are in the best interest of the health, safety, and welfare of the citizens of the Town of McCordsville, Indiana.

THEREFORE BE IT ORDAINED by the Town Council of the Town of McCordsville, Indiana that Zoning Ordinance No. 121410, as amended, are hereby amended as described in Exhibit A, attached hereto.

This ordinance was introduced and filed on the 13th day of December, 2022. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of in favor opposed pursuant to I.C. 36-5-2-9.8.

This ordinance was duly ordained and passed on this day of , 2022 by the Town Council of the Town of McCordsville, Hancock County, Indiana, having been passed by a vote of in favor and opposed. This Ordinance becomes effective immediately.

TOWN OF McCORDSVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Voting Opposed:

Thomas R. Strayer

Thomas R. Strayer

Larry J. Longman

Larry J. Longman

Gregory J. Brewer

Gregory J. Brewer

Chad D. Gooding

Chad D. Gooding

Branden D. Williams

Branden D. Williams

ATTEST:

Staci A. Starcher, Clerk-Treasurer

This instrument was prepared by Gregg Morelock, Attorney at Law.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. – Gregg Morelock

Article VIII. Planned Unit Developments

Section 8.01 Purpose, Intent, Uses, & Standards

(A) Purpose and Intent

The purpose of these regulations is to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and the intent of the Zoning and Subdivision Control Ordinances. Planned Unit Development (PUD) regulations are intended to encourage innovations in land development techniques so that unique opportunities and circumstances may be met with greater flexibility. Planned Unit Developments should be used to address unique environmental concerns, provide a unique mix of land uses, and implement the Comprehensive Plan in ways not considered by the established zoning districts. A Planned Unit Development should not be used if the proposed development can be created using established zoning districts.

(B) Uses

All uses are subject to the discretion and approval of the Town Council. Once uses are approved by the Council, they are granted by right or by Special Exception, as outlined in the PUD Ordinance. All land uses proposed in a Planned Unit Development should be compatible with the intent of the Comprehensive Plan and the characteristics of surrounding land uses and zoning districts.

(C) Development Requirements

Development requirements for all proposed Planned Unit Developments shall be created by the applicant as part of the PUD submittal. All proposed development requirements are subject to the review and approval of the Plan Commission and the Town Council. Generally, the Planned Unit Development shall provide standards for the development that replace (1) the lot standards established by Article III, Zoning Districts, and (2) each topic area regulated by Article VI, Development Standards.

(D) Rules and Procedures

All proceedings brought under this Article are subject to the Rules and Procedures of the Plan Commission.

(E) Limitation of Ordinance Amendments

Any initiative of the Plan Commission to amend this Ordinance that would affect an approved Planned Unit Development before its completion shall not be enforced on the Planned Unit Development, except unless so provided within the PUD Ordinance. New amendments to this Ordinance shall only apply to Planned Unit Developments that have been declared abandoned, or for which an approval has expired.

(F) Origination of Proposals

Any applicant may propose a Planned Unit Development district in accordance with the procedures established in this Article. A parcel or site proposed for a Planned Unit Development may or may not be under single ownership. However, if not under single ownership, the multiple owners must have a contractual agreement (1) not to develop the parcels separately, but in accordance with a single,

unified plan, and (2) in which the separate owners have given their express intentions to enter into such private agreements and to assure its completion as planned and to the satisfaction of the Plan Commission.

Section 8.02 General Application Requirements

All applications may be obtained through the Town of McCordsville online permit system. Fees shall be paid prior to the Public Hearing or when invoiced by the Town, whichever occurs first.

(A) Application Forms

All applications shall be made on forms provided by the Administrative Officer. All applicants shall submit applications by electronic means.

(B) Review Schedule

All applications shall be assigned reference and/or docket numbers by the Administrative Officer, or his or her designee. Applications shall be scheduled by the Administrative Officer, or his or her designee, for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the adopted Calendar of Filing and Meeting dates for the Plan Commission.

Section 8.03 Planned-Unit Development Ordinance

(A) Purpose and Intent

The purpose of the Planned-Unit Development Ordinance is to provide a formal opportunity for the applicant and the Plan Commission to discuss the elements of the proposed PUD Ordinance. The Planned-Unit Development Ordinance dictates all design and development standards that will apply to the Real Estate.

(B) Pre-application Meeting Required

A Planned Unit Development Ordinance shall only be filed after the petitioner has met with the Administrative Officer, or his or her designee, to discuss the request.

(C) Application

The applicant shall submit a Planned Unit Development Ordinance application, an affidavit and consent of property owner(s) (if the owner is someone other than the petitioner), Concept Plan (as described herein), and any other supporting information.

(D) PUD Ordinance Data

The PUD Ordinance may take the form of a booklet filed electronically. The following shall be included in the PUD Ordinance submission:

(2) Site Description A description of the property involved, including:

- c) The legal description of the subject property and common address of the site; and
- d) The proposed name of the development (if applicable).

(3) Common Holdings Map A map of any property adjacent to the property subject to the PUD Ordinance owned or otherwise controlled by any or all of the petitioners. The Common Holdings Map shall be accompanied by a general description of the future development of that property and its relationship to the area included in the PUD Ordinance.

(4) Sewerage Verification A letter verifying that proper waste disposal will be available to the property. A letter from the McCordsville Sewer Utility shall be included verifying that the proposed development shall be served, if requested by the Town Engineer.

(5) Existing Site Conditions

Aerial imagery of the subject site, with the following information superimposed on the imagery:

b) Easements

All existing easements and an indication of their purpose.

c) Topography

A topographic survey of the area with contour lines a maximum of two feet apart.

d) Natural Features

The location of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated trees that are able to be preserved (with greater than an eight inch DCH).

e) Historic Features

An identification of any historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Hancock County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures.

f) Right-of-Way

Dimensioned measurements depicted existing rights-of-way either on the subject parcel or immediately adjacent.

g) Utilities

Any utilities or utility facilities existing on the subject property.

h) Other Significant Features

Any other significant feature(s) that may influence the design of the development.

(6) Proposed Development

A Concept Plan of the proposed development of the property, including:

a) Street Systems

The layout and design of proposed street systems (including on-street parking, sidewalks, etc);

b) Land Uses

The land use areas and number of acres within the development (including a specific list of the individual land uses permitted in each area and densities of any proposed residential uses);

c) Open Space

The proposed location, improvements to open space (including park facilities, natural areas, trail systems, and other common areas);

d) Landscaping

The conceptual design of landscaping, buffering, and/or screening proposed for the development, wooded areas to be preserved;

e) Natural Features

Any natural features that will be preserved, conserved, or impact the overall site design shall be shown. A tree inventory may be required at the discretion of the Zoning Administrator, Plan Commission, or Town Council.

f) Historic Features

Any historic features that will be preserved, conserved, or impact the overall site design shall be shown.

g) A Concept Plan which complies with Section 2.02 of the Subdivision Control Ordinance and provides all necessary information for consideration as a Primary Plat, may be considered a Primary Plat. If the Plan Commission finds the Concept Plan meets the requirements for a Primary Plat, provides a favorable recommendation on the PUD Ordinance, and the Town Council adopts the PUD Ordinance, the Concept Plan shall be considered the approved Concept Plan and Primary Plat for the applicable Real Estate. In the case that the Plan Commission finds the Concept Plan not in-compliance, but otherwise provides a favorable recommendation on the PUD Ordinance, the petition shall be required to file a Primary Plat and follow the procedures of Section 2 of the Subdivision Control Ordinance. If the Plan Commission offers a negative recommendation or no recommendation on the PUD Ordinance, and the Town Council approves the PUD Ordinance, the Primary Plat shall be required to be re-filed with the Plan Commission and a new public hearing date set. If the Town Council denies the PUD Ordinance, regardless of the Plan Commission's action on the petition both the PUD Ordinance and the Primary Plat shall be considered denied.

(7) Development Requirements

Detailed text documenting the development requirements that will apply to development (including general lot size and dimensions, building setbacks, off-street

parking requirements, lighting standards, sign standards, landscaping requirements, etc.).

(8) Written Commitments

A description of any written commitments that are being proposed as part of the development that are not encapsulated within the PUD Ordinance.

(9) Covenants

A description of any private covenants and restrictions that will be established for the development, may be required at the rezone stage if requested by the Zoning Administrator.

j) Drainage

A detailed drainage concept meeting the requirements of the Town Engineer.

(10) Project Phasing

A statement of the proposed order of development of the major elements of the project, including phasing, if applicable, and the order and content of each phase.

(11) Supplemental Information

Any other information requested by the Administrative Officer, Plan Commission, or Town Council to aid in the review of the PUD Ordinance. This may include, but is not limited to: topic areas such as traffic; utilities; tree preservation; flood hazards; and architectural design standards.

(E) Technical Review Committee Review

The Concept Plan shall be reviewed by a Technical Review Committee.

(F) Concept Plan Requirements

Planned Unit Developments shall be required to comply with the McCordsville Subdivision Control Ordinance (per IC 36-7-4-1513) and the provisions of Section 10.09, Development Plan Review, or this Ordinance. In no instance shall the approval of a PUD be interpreted as waiving or modifying any Subdivision Control Ordinance or Site Development Plan processes. The Concept Plan and/or Site Development Plan may be filed simultaneously for review by the Plan Commission.

(G) Architectural Review Committee Review

- (1) Any proposed project shall provide architectural renderings and drawings of the proposed product to be constructed. If a specific product has not been selected, the petitioner shall provide illustrative architectural renderings or pictures that are in keeping with architectural elements and character required by the PUD Ordinance.
- (2) The Architectural Review Committee (ARC) shall review said materials to determine whether the proposed architectural character, building massing, scale, and overall aesthetic is appropriate for the subject real estate and whether the proposal is in keeping with the spirit

and intent of the PUD Ordinance. Any elements of the Comprehensive Plan, related to building massing, scale, building form, and the like shall also be taken into consideration.

(3) The ARC shall provide a recommendation no later than sixty (60) days following the date the of the petition's complete application filing.

(4) Possible Action

a. Favorable Recommendation

The proposed architectural elements shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed above. Favorable recommendations may include suggested conditions for the Plan Commission's consideration.

b. Unfavorable Recommendation

The application shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed above. Unfavorable recommendations may include suggested conditions for the Plan Commission's consideration.

c. No Recommendation

The application may be forwarded with no recommendation if it is found that the application includes aspects that the ARC is not able to evaluate. The ARC may also forward a no recommendation in the event the ARC would like to request the Plan Commission provide the ARC with additional time to review the petition. The Plan Commission shall not be bound to provide a continuance. No recommendations may include suggested conditions for the Plan Commission's consideration.

d. Continued

The application may be continued based on a request by the ARC, Administrative Officer or petitioner. The application shall be continued in the case of an indecisive vote wherein the item is essentially tabled, a determination by the ARC that additional information is required prior to action being taken on the request, or if an appropriate representative of the application fails to appear at the public hearing.

(5) Following an ARC recommendation, the petition shall be placed on the next available Plan Commission agenda and set for a public hearing.

(H) Public Hearing Notification

Notification for the scheduled public hearing regarding the PUD Ordinance shall be completed consistent with the requirements of this Ordinance and the Rules and Procedures of the Plan Commission.

(I) Plan Commission Public Hearing

The Plan Commission will, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates (but no later than 60 days following the receipt of a complete PUD Ordinance application), review the application and required supporting information.

(1) Representation

Either the applicant or a representative of the applicant must be present at the public hearing to present the application and address any questions the Commission may have.

(2) Presentations

The Plan Commission shall consider a report from the Administrative Officer and/or Technical Review Committee and testimony from the petitioner, remonstrators, and other interested parties at the hearing. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Rules and Procedures of the Plan Commission.

(3) Possible Action

The Plan Commission will in concurrence with established rules and procedure review the application and required supporting information. The PUD Ordinance shall be forwarded to the Town Council with a favorable recommendation, forwarded with an unfavorable recommendation, forwarded with no recommendation or continued by the Commission. Per IC 36-7-4-1512 the Plan Commission may impose conditions or require written commitments from the applicant.

a) Favorable Recommendation

The PUD Ordinance application shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed below.

b) Unfavorable Recommendation

The application shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed below.

c) No Recommendation

The application may be forwarded with no recommendation only if it is found that the application includes aspects that the Commission is not able to evaluate.

d) Continued

The application may be continued based on a request by the Administrative Officer or petitioner. The application shall be continued in the case of an indecisive vote wherein the item is essentially tabled, a determination by the Plan Commission that additional information is required prior to action being taken on the request, or if an appropriate representative of the application fails to appear at the public hearing.

i) Additional legal notice shall not be required unless specified by the Plan Commission.

ii) The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Plan Commission.

(4) Certification of Recommendations

The Plan Commission shall certify its recommendation by resolution to the Town Council within ten (10) business days of its decision. The Administrative Officer, or his or her designee, shall forward to the Town Council appropriate copies of the Plan Commission certified decision.

(J) Town Council Meeting

The Town Council shall hold a meeting and vote on the proposed Planned Unit Development district ordinance (re-zoning) within 90 days of its certification by the Plan Commission.

(1) Legal Notice Legal Notice of action on the ordinance shall be provided consistent with Indiana law.

(2) Possible Action

The Town Council may either approve or deny the PUD district ordinance (rezoning) consistent with the decision criteria provided by this Section. The Town Council also may approve with modifications per IC 36-7-4-1512: such as impose conditions, require written commitments from the applicant, and/or condition the release of Improvement Location Permits on the provision of adequate surety for any public improvements.

a) Failure to Act If the Town Council fails to act within the 90-day time frame the ordinance shall become effective or be defeated consistent with the recommendation of the Plan Commission and the provisions for rezoning petitions of IC 36-7-4-608.

b) Denial If a PUD district ordinance (rezoning) is denied by the Town Council a one-year waiting period shall be imposed prior to the filing of a new Preliminary Plan for the same development.

c) Reject or Amend If the Town Council rejects or amend the proposal, it shall be returned to the Plan Commission for its consideration, with a written statement of the reasons for the rejection or amendment. The commission has forty-five days in which to consider the rejection or amendment and report to the Town Council as follows:

i) If the commission approves the amendment or fails to act within the forty-five-day period, the ordinance stands as passed by the Town Council as of the date of the filing of the commission's report of approval with the Town Council or the end of the forty-five-day period.

ii) If the commission disapproves the rejection or amendment, the action of the Town Council on the original rejection or amendment stands only if confirmed by another vote of the Town Council within forty-five days after the commission certifies its disapproval. If the Town Council fails to confirm its action, then the ordinance takes effect in the manner provided by IC 36-7-4-606(f).

d) Approval If the Town Council approves the rezoning, the land is officially rezoned upon the recording of the rezoning ordinance and any written commitments. The Official Zoning Map must be amended to reflect the zoning change, the date of approval by the Town Council, and the ordinance number. (K) PUD Ordinance Decision Criteria

In reviewing the Planned Unit Development Ordinance petition, the Plan Commission and Town Council shall pay reasonable regard to the following, consistent with IC 36-7-4-603:

(1) Requirements and Intent

The extent to which the proposal fulfills the requirements and intent of this Article and the Subdivision Control Ordinance.

(2) Planning Documents

The Comprehensive Plan and any other applicable, adopted planning studies or reports.

(2) Characteristics

The current conditions and the character of current structures and uses in each zoning district.

(3) Desired Use

The most desirable use of which the land in each district is adapted.

(4) Property Values

The conservation of collective property values throughout the Town of McCordsville.

(5) Growth Management

Responsible growth and development.

(7) Overlay Requirements

Consistency with the requirements of all applicable overlay districts.

(L) Expiration of PUD Ordinance

The Development Plan filing shall occur within 18 months of the date of PUD Ordinance approval. If no Development Plan filing has occurred within that period, the PUD Ordinance approval shall expire. An extension may be granted upon request to the Plan Commission at their discretion without the need for a public hearing. If the project is phased and was part of the PUD Ordinance, the petitioner may submit partial Development Plans which correspond to the phases involved.

Section 8.04 Development Plan

(A) Shall follow the process and procedures outlined in Section 10.09. If subdivision of land is required the process and procedures for primary and secondary platting, outlined in the Subdivision Control Ordinance shall apply.

Section 8.05 Written Commitments

The applicant in any Planned Unit Development may make written commitments in recordable form regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on, the subject property consistent with IC 36-7-4-615. Commitments made by the applicant and conditions of approval established by the Plan Commission or Town Council shall be considered written commitments for the purpose of this Article.

(A) Commitment Proposals Written commitments may be proposed by the applicant as an element of the initial submittal of application materials, as a response to comments made by the Administrative Officer, or in response to any modifications requested by the Plan Commission or Town Council.

(B) Consideration of Commitments Any commitments shall be considered by the Plan Commission and Town Council if they have been established at the time of the review. Written Commitments shall be included as an element of the PUD district ordinance (rezoning) establishing the PUD zoning and shall be recorded in the office of the Hancock County Recorder by the petitioner. A copy of the recorded commitments shall be provided to the Administrative Officer.

(C) Enforcement of Commitments The written commitments shall be considered part of this Ordinance binding on the subject property.

(1) Applicability The written commitments shall be binding on the owner(s) of the subject property, any subsequent owners of the subject property, and any property owner(s) or entity that acquires an interest in any portion of the subject property. McCordsville, Indiana January 2011 135

(2) Enforcement The written commitments shall be enforceable by the Plan Commission or Board of Zoning Appeals consistent with the adopted provisions for the enforcement of this Ordinance.

(3) Modification The recorded written commitments may be modified only through the Planned Unit Development process described by this Article.

Section 8.06 Covenants

Covenants shall be set forth in detail. The Plan Commission may review covenants that pertain to any written commitments, development requirements and/or common areas, swales, or drainage systems. A copy of the recorded covenants shall be provided to the Administrative Officer by the petitioner for the records of the Plan Commission.

(A) Lot Owner's Association Adequate provision shall be made for a private organization (i.e., Lot Owner's Association) with direct responsibility to, and control of, the lot owners involved. The lot owner's association shall provide for the operation and maintenance of all common facilities, such as any common areas and ponds, in the best possible manner. Legal assurances shall be provided which show that the private organization is self-perpetuating.

(B) Service Access to Common Areas The covenants shall state that all common facilities and drainage systems not dedicated to the public shall be maintained by the private lot owner's organization in such a manner that adequate access is provided for fire, police, health, sanitation, and public utility vehicles to service them. All streets, roadways, and common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

(C) Enforcement Covenants shall be distinguished from written commitments and development requirements. Written commitments and development requirements are elements of the PUD approval and are enforceable by the Plan Commission. Covenants are private agreements that are not enforceable by the Plan Commission.

Section 8.07 Modifications

(A) Minor Modifications

(1) Administration The Administrative Officer may from time to time approve minor modifications of the Concept Plan consistent with IC 36-7-4-1511(i). The modifications shall be consistent with the purpose and intent of the overall development and the approved PUD Ordinance. Such modifications shall not include any change in type of use, any increase in density, any lessening of aesthetic treatments, any alteration of frontage location, any change in the proportion or allocation of land uses, any change in location of uses outside the parameters set forth in the PUD, any change in functional use of Open Space, wherein the change constitutes an intensification of use in the Open Space, any change in the Concept Plan that creates a conflict with the intent of the PUD, or any alteration of the development requirements outside the parameters set forth in the PUD.

a) Procedure

To request a minor modification, the property owner(s), developer, or applicant shall provide the Administrative Officer with a letter that identifies the PUD and the requested minor modification. The letter shall be accompanied by any necessary supporting drawings or other materials. The Administrative Officer, or his or her designee, shall provide a written response within 15 business days informing the applicant if the minor modification has been approved. All materials relating to the minor modification shall be kept on file with the other PUD materials in the office of the Plan Commission. The Administrative Officer shall place the written decision regarding the minor modification on the next available Technical Advisory Committee meeting. The Administrative Officer shall detail the findings of the decision at the meeting and advise any interested individuals or parties how they may appeal the decision.

(2) Appeal

Any affected party may appeal any minor modification decision by the Administrative Officer in accordance with the procedures outlined in Section 10.05.

(3) Rules and Procedures

The Plan Commission may, through its Rules & Procedures, establish rules governing the nature of proceedings required to make a minor modification under this Article.

(B) Major Modifications

Major modifications shall include any change not considered a minor modification by the Administrative Officer, including, but not limited to, any change in type of use, any increase in density, any lessening of aesthetic treatments, any alteration of frontage location, , any change in the proportion or allocation of land uses, any change in location of uses outside the parameters set forth in the PUD, any change in functional use of Open Space, wherein the change constitutes an intensification of use in the Open Space, any change in the Concept Plan that creates a conflict with the intent of the PUD, or any alteration of the development requirements outside the parameters set forth in the PUD,

or any alteration of the development requirements. All major modifications shall require an amendment to the Planned Unit Development Ordinance, which shall follow the same process for an initial approval of the PUD Ordinance.

Section 8.08 Expiration, Abandonment, & Extensions

(A) Expiration

Approval of a Development Plan shall expire after a period of five years from the approval of the PUD Ordinance, unless the development is 50% completed in terms of improvements including streets, parks, walkways, utility installations, and sanitary sewers. Determination of the amount of completion shall be made by the Plan Commission upon a recommendation by the Administrative Officer. Following expiration of a Development Plan, the Town Council of the Advisory Plan Commission may declare the bond to be in default and cause all public improvements to be installed according to the Development Plans.

(B) Abandonment

The Planned Unit Development may be considered officially abandoned if, in the written opinion of the Administrative Officer, the development is incomplete and no, or minimal construction activity has occurred for a period of five consecutive years. Any outstanding surety for the project may be utilized by the Town Council in any manner deemed appropriate and associated with the project.

(C) Extensions

An extension, not to exceed six months, for accomplishing any processes required by this Article, or for resuming construction activity in an abandoned development may be granted by the Plan Commission upon a written request from the petitioner. All requests for extensions must occur a minimum of 30 days prior to the applicable deadline.

(D) Plan Commission Rezoning

The Plan Commission, Town Council, or landowner may initiate a rezoning for any property included in a Planned Unit Development that has been abandoned or for which the Development Plan approval has expired. Any rezoning by the Plan Commission shall meet all applicable requirements for the rezoning process provided by this Ordinance.

Article X:

Section 10.09 Development Plan Review

(A) Purpose and Intent

The intent of this Section is to; provide for the adequate, consistent review of new development and ensure compliance with this Zoning Ordinance; accommodate traffic and utility systems; and address the unique characteristics of certain areas of development. Development plan review is provided for by the Indiana Code 36-7-4- 1400. The development plan review process is not intended to provide an alternative to rezoning, variance, special exception, platting, or other established procedures, but rather to allow for the administrative review of site conditions and development plans for consistency with applicable requirements prior to the issuance of permits.

Generally, Development Plan review shall involve new non-residential and residential development and shall occur after rezoning and primary plat approvals. Development plan review may occur before or after any necessary Board of Zoning Appeals applications based on the characteristics of each application.

(B) Authority and Process Outline

(1) Development Plan Required Development plan approval may be required upon the discretion of the Board of Zoning Appeals and the Plan Commission.

(2) Exemptions The following types of development shall be exempt from the requirements of this Section, but shall be required to obtain an Improvement Location Permit and/or any other permit or approval otherwise required by this Ordinance:

a) Sign Installation The replacement or installation of any sign(s) not occurring as part of an improvement to any other aspect of the property.

b) Parking Lot Expansion The expansion of an existing parking lot that does not result in (1) a greater than 25% or 2,000 square feet (whichever is greater) increase in the surface area of the parking previously available on the property (2) the demolition of any structure or (3) the need for modifications to street accesses.

c) Structural Expansion The expansion of an existing structure or the construction of an accessory structure that does not result in a greater than 25% increase in the floor area of the structures that were previously existing on the property and does not require the provision of additional landscaping, parking, or other improvements regulated by this Ordinance.

d) Residential Use / Structure The placement of an individual manufactured home or the construction or expansion of a single-family residential use and structure (Building Permit required).

(3) Review and Approval Authority

The Administrative Officer, or his/her designee, in their role as staff for the Plan Commission, shall have the authority to review and approve Development Plans in conjunction with the Technical Review Committee as required by this Ordinance.

a) Waiver of Requirements Neither the Administrative Officer nor the Advisory Plan Commission shall have the authority to waive any requirement of this Ordinance in the review of a Site Development Plan. All variances from the terms of this Ordinance shall be subject to the approval of the Board of Zoning Appeals.

b) Revision Process The procedure for the review of proposed amendments or revisions to previously approved Site Development Plans shall follow the process for the initial approval of Site Development Plans outlined in this Section.

(C) Application Materials

(1) General Requirements

All applications may be obtained from the Town of McCordsville website and /or online permit application system. Fees, as established by the Town Council, shall be paid to the Administrative Officer, or his or her designee, prior to attending TAC or when invoiced by the Town, whichever occurs first.

a) Application Forms All applications shall be made on forms provided by the Administrative Officer.

c) Review Schedule All applications shall be assigned reference and/or docket numbers by the Administrative Officer, or his or her designee. Applications shall be scheduled by the Administrative Officer, or his or her designee, for the appropriate meetings and/or public hearings based on the completeness of the application consistent with the requirements of this Section and the appropriate adopted Calendar of Filing and Meeting Dates for the Plan Commission.

(2) Application

The applicant shall submit an application for Development Plan review, an affidavit and consent of property owner(s) (if the property owner is someone other than the applicant), a copy of the deed for the property involved (if required by the Administrative Officer), and required supporting information to the Town of McCordsville permit system.

a) Application Material Format

All documents and drawings shall be provided in digital format in a manner specified by the Administrative Officer.

b) Supporting Information

Supporting information shall include, but not be limited to, that described by this Article. The Administrative Officer, County Surveyor, Town Engineer, Technical Review Committee, and/or Plan Commission may request additional supporting information, which shall be provided by the applicant.

(3) Required Materials

The following materials shall be submitted with all Development Plan applications.

a) Summary Statement

A summary statement of the characteristics and operation of the development, including the population densities, presence of any adult uses, and number of potential employees. The statement shall include any written commitments being made regarding the Development Plan.

b) Site description

A general description of the site and its ownership including:

i) The name, street address, e-mail address, and telephone number of the applicant

ii) The name, street address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Development Plan design

- iii) iii) The name, street address, e-mail address, and telephone number of the primary contact individual for the application (it shall be indicated if the primary contact person is the applicant or a contracted design professional).

c) Cover Sheet

All cover sheets shall contain the following information:

- i) A conceptual drawing describing the future development of all contiguous holdings described above shall be provided by the applicant upon the request of the Administrative Officer, County Surveyor, Town Engineer, Technical Review Committee, and/or Plan Commission. At a minimum the conceptual drawings shall include a description of the general street access points, general land uses, and general drainage conditions and plans;
- ii) ii) A vicinity map shall clearly identify the subject property, property that is contiguous to the subject property that is owned and/or otherwise controlled by the owner(s) or developer of the subject property, and the current zoning and use of all property within 600 feet of the subject property;
- iii) iii) A site location map showing the subject property and adjacent streets;
- iv) iv) The legal description of the subject property and common address of the site; and
- v) v) The proposed name of the development (if applicable).

d) Property Survey

A property survey, drawn to an appropriate scale with the scale clearly indicated and a graphic scale for reference, bearing the seal of a land surveyor registered in the State of Indiana, and showing the following existing features for the subject property and all land within 100 feet of the property lines of the subject property, and illustrating the following:

- i) The boundary lines and dimensions of the subject property;
- ii) All structures (specifically indicating any structures recognized as outstanding, notable, or contributing in the Indiana Historic Sites and Structures Inventory – Hancock County Interim Report; and those listed in the National Register of Historic Places; and/or the Indiana Register of Historic Sites & Structures);
- iii) Topography interpolated from USGS sources and/or otherwise meeting the requirements of the Town Engineer (topographic information shall tie into horizontal and vertical control points);
- iv) Significant wooded areas and other isolated trees and wetlands;
- v) 100-year floodplain and 100-year floodway boundaries (including elevations);
- vi) Public and private streets (including street names), sidewalks and other pedestrian paths, rights-of-way, and easements;
- vii) Required building setbacks and any build-to lines and buffer yards; viii) All known drainage areas, tiles, pipes and structures;
- viii) Utility services (including fire hydrants) and easements;
- ix) Street accesses; and
- x) Any other paved or otherwise improved areas.

e) Site Plan

A site plan, drawn to an appropriate scale with the scale clearly indicated and a graphic scale for reference, bearing the seal of a professional engineer or land surveyor registered in the State of Indiana, clearly showing all proposed aspects of the property and all features relevant to the site including:

- i) All setbacks and buffer yards;
- ii) Topography (including elevation contour lines at two-foot intervals, or otherwise meeting the requirements of the County Surveyor/Town Engineer);
- iii) Preserved wooded areas and isolated trees and wetlands;
- iv) Existing and proposed structures (including buildings, fences, and walls);
- v) All structure heights, dimensions, and floor areas;
- vi) Areas of outdoor storage;
- vii) Permanent dumpsters and trash areas;
- viii) Locations, dimensions, and design features (including all curb radii, tapers, and parking space dimensions) of road accesses, interior drives, parking lots, loading docks or areas, intersection sight visibility triangles, and interior sidewalks;
- ix) Open spaces and specific landscaped areas;
- x) Locations and capacities of public and private utilities;
- xi) The location, width, and purpose of all easements;
- xii) The use of each structure and the amount of parking required and provided for the use;
- xiii) Any public improvements including sidewalks, street trees, and existing or planned public right-of-way dedications;
- xiv) Locations for temporary uses, such as seasonal sales areas; and xv)
- xv) Locations of proposed signs (separate permit required).

f) Landscaping Plan

A landscaping plan, prepared by a landscape architect registered with the State of Indiana, drawn to an appropriate scale with the scale clearly indicated and a graphic scale for reference, showing the following:

- i) Proposed landscaping, buffer yards, and street trees;
- ii) Topography (including elevation contour lines at two-foot intervals, or otherwise meeting the requirements of the Town Engineer);
- iii) 100-year floodplain and 100-year floodway boundaries (including elevations);
- iv) Existing and proposed public and internal sidewalks, multi-use paths, and other pedestrian ways;
- v) The size and spacing of the plantings at the time of installation, height at maturity, and the botanical and common name of the species proposed to be used to meet the requirements of this Ordinance; and
- vi) All existing trees and vegetation to be preserved, and the drip lines for such trees (in which no construction activity shall occur).

g) Stormwater Drainage Plan

A site drainage plan, bearing the seal of a professional engineer or land surveyor registered in the State of Indiana, including all calculations required by the County Surveyor/Town Engineer. The drainage plan shall comply with the McCordsville Stormwater Ordinance, as amended from time to time, and include the location of the following:

- i) All natural streams, regulated drains, and watercourses,
- ii) 100-year floodways and 100-year floodplains (including elevations),
- iii) All marshes, wetlands, and wooded areas, and
- iv) All drainage area features as described in the drainage calculations.

h) Lighting Plan

A site lighting plan prepared by an electrical engineer licensed by the State of Indiana drawn to an appropriate scale with the scale clearly indicated and a graphic scale for reference, showing the type and location of all exterior lighting fixtures (site and building lighting). Said lighting plan shall include a photometric drawing.

i) Erosion Control/Sedimentation Plan

A site erosion control sedimentation plan, drawn to an appropriate scale with the scale clearly indicated and a graphic scale for reference, showing proposed erosion and sediment control measures.

j) Construction Plan

A site construction plan, drawn to an appropriate scale with the scale clearly indicated and a graphic scale for reference, showing:

- i) The location of any proposed construction trailer and worker parking;
- ii) The location, height, and dimensions of any temporary construction related signs;
- iii) Any temporary site accesses to be used during construction;
- iv) All traffic control signs and devices (subject to the approval of the Town Engineer and consistent with the Manual of Uniform Traffic Control Devices);
- v) Any temporary utility connections; and
- vi) The location of any stockpiles of dirt, construction materials, and construction waste dumpsters or storage areas, wash off areas.

k) Street Plan and Profile

l) Sanitary Sewer Plan and Profile

m) Utility Plan, including water and electricity

n) Grading Plan

(D) Review Process

(1) Pre-application Meeting Required

A preliminary informal meeting shall be held with Town Staff prior to application submittal. This meeting may be waived by the Administrative Officer.

(2) Technical Advisory Committee

The Technical Advisory Committee (TAC) shall review the Development Plan, including all supporting information on the date established by the adopted Calendar of Meeting and Filing Dates.

a) Representation

The applicant and/or a representative of the applicant must be present at the meeting to present the Development Plan and address any questions the Committee may have.

b) Considerations

In reviewing the Development Plan, the Committee shall consider whether or not the proposed Development Plan is consistent with the requirements and intent of this Ordinance, any other applicable adopted requirements of the Town of McCordsville, and the standards of the local utility providers.

c) Possible Action – Development Plans that are not wholly proposing a single-family residential land uses & structures.

The Committee may forward a favorable recommendation, recommendation with modifications, or an unfavorable recommendation to the Plan Commission.

i) Favorable Recommendation

The Committee may forward a favorable recommendation for the Development Plan if it complies with all applicable requirements of this Ordinance.

ii) Recommendation with Modifications

The Committee may forward a recommendation contingent upon one or more modifications for the Development Plan if it is generally consistent with the considerations for approval outlined in this Ordinance and require that minor modifications to be completely in compliance with the requirements and intent of this Ordinance. The applicant shall revise the Development Plan proposal consistent with the Committee comments and supply revisions for review by the Administrative Officer, or his or her designee, prior to review and action by the Advisory Plan Commission.

iii) Deny

The Committee may forward an unfavorable recommendation for the Development Plan if it is found to be inconsistent with the considerations outlined in this Ordinance. The Development Plan can be resubmitted for review by the Technical Review Committee and action by the Plan Commission if there have been significant changes as determined by the Administrative Officer. If not, there shall be a one year waiting period before the same Development Plan can be resubmitted as a new application.

iv) Continue

The Committee may request that action on a Development Plan be continued if requested by the applicant, if a determination has been made by the Administrative Officer that sufficient information has not been provided, or if the applicant or an appropriate representative of the applicant fails to appear at the Committee meeting. Development Plan applications that are continued shall be automatically docketed for the next Committee meeting, unless otherwise requested by the applicant.

d) Possible Action – Single-family Residential Development Plans

The Plan Commission delegates approval and/or denial power for all Development Plans, which propose only single-family residential land uses and structures (may include other accessory or temporary land uses and structures), to the Technical Advisory Committee.

- i) Approval: The Committee shall approve Development Plans which comply with the requirements of this Ordinance. The Committee may also approve Developments Plans based on conditions of approval, if it is found that minor modifications are needed to comply with the requirements of this Ordinance.
- ii) Deny: The Committee shall deny Development Plans which are found to be inconsistent with this Ordinance. The Development Plan can be resubmitted for review by the Committee if there have been significant changes as determined by the Administrative Officer. If not, there shall be a one year waiting period before the same Development Plan can be resubmitted as a new application.
- iii) Continue: Development Plans that are found to need major modifications to comply with the requirements of this Ordinance may be continued by the Committee for the petitioner to make the necessary revisions. The Administrative Officer may also continue petitions if it is determined that sufficient information has not been provided or if the applicant or an appropriate representative fails to appear at the Committee meeting. The petitioner may also request a continuance. Applications that are continued shall be automatically docketed for the next Committee meeting.

(3) Plan Commission Preparation

All Development Plans, except those which propose only single-family residential land uses, shall be placed on the agenda for the next meeting of the Plan Commission consistent with the adopted Calendar of Meeting and Filing Dates. The applicant shall revise the Development Plan proposal consistent with any Technical Review Committee comments and submit the revised plans to staff a minimum of seven (7) days prior to review by the Plan Commission and shall provide such revision for review.

(4) Plan Commission Review

The Plan Commission shall review the Development Plan and any supporting information.

- a) Representation
The applicant and/or a representative of the applicant must be present at the public hearing to present the Development Plan and address questions from the Commission.
- b) Presentations
The Commission shall consider a report from the Administrative Officer describing the findings of the Technical Review Committee and any testimony from the applicant and any interested parties in making its decision.
- c) Possible Action

The Plan Commission may approve, approve with modifications, deny, or continue the Development Plan application.

i) Approve

The Plan Commission may approve the Development Plan if it is consistent with all applicable requirements of this Ordinance.

ii) Approve with Modifications

The Plan Commission may approve the Development Plan with modifications if it is generally consistent with all applicable requirements of this Ordinance. The Plan Commission may impose conditions on the approval of a Development Plan if the conditions are necessary to satisfy the requirements and intent of this Ordinance. Accepted conditions shall become written commitments which shall be recorded by the applicant with the Hancock County recorder before any construction activity commences. A copy of the recorded commitments shall be provided to the Administrative Officer prior to any construction activity taking place.

iii) Deny

The Plan Commission shall deny the Development Plan if it is not consistent with the applicable requirements of this Ordinance. Development Plan applications that have been denied shall not be re-filed for a period of one year from the date of the denial, unless a different design, that addresses the reasons for denial, is submitted.

iv) Continue

The application may be continued based on a request by the Administrative Officer or the applicant; an indecisive vote wherein the item is essentially tabled; a determination by the Commission that additional information is required prior to action being taken on the request; or if the applicant or an appropriate representative of the applicant fails to appear at the public hearing. Additional legal notice shall not be required unless specified by the Plan Commission. The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Commission.

(5) Permits

Prior to any site work or construction activity, the applicant shall be required to obtain the appropriate Improvement Location Permit and any other required permits specified by this Ordinance.