

SECTION 1010: PLANNED UNIT DEVELOPMENT (PUD)

- A. It is the intent of this Section to provide a means to encourage development wherein such development promotes economical and efficient land use, an improved level of amenities, creative design, and preserves the existing environmental amenities. A Planned Unit Development (hereinafter referred to as PUD) permits flexibility in development standard requirements provided the PUD is granted a Special Exception and that all conditions of the Special Exception and all development standards contained within this Section are adhered to.
- B. A PUD is permissible as a Special Exception in the A, SR, R-2, R-4, R-8, R-20, LB, GB, AB, and CB districts, subject to Section 501.
- C. In a PUD, all permitted uses within the applicable zoning district are allowed. All Special Exceptions within the applicable district and all permitted and Special Exceptions within the other districts wherein a PUD is permissible shall be allowed subject to Section 501.
- D. An application for Special Exception approval of a PUD shall be processed and reviewed as follows:
1. Application shall be made in accordance with the Board of Zoning Appeals rules of procedure.
 2. The application and information required by Sub-Section (E) below shall be forwarded to the Commission for their review and recommendation.
 3. The Commission shall review the PUD application and submit written findings and a recommendation to the Board of Zoning Appeals.
 4. The Commission shall review each application based upon:
 - a. Compliance with the development standards of this Section;
 - b. Compliance with the criteria in Section 501;
 - c. Consistency with general planning, zoning, and engineering standards established by the Comprehensive Plan, Zoning Ordinance, and other applicable County ordinances.
 1. The Board of Zoning Appeals can only grant a Special Exception for a PUD upon an affirmative finding on the criteria in Section 501.
- E. The following information shall be submitted with a PUD application:
1. A drawing 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 total gross acreage of the lot.
 - c. The relationship of the project to the surrounding road system, including the width of 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 location, and other existing important physical features in and adjoining the project.

- 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 land use and zoning classification of adjacent properties.
 - h. Location of the different land uses proposed, such as dwelling unit types, open space areas, recreational facilities, commercial and other uses, and off-street parking areas.
 - i. If lots are to be sold, location and dimensions of lots.
 - j. Location of proposed signs and lighting fixtures.
2. Legal description of the lot proposed for development.
 3. Proposal for providing sanitary sewer, potable water, storm water, gas, electricity, and any other utility service.
 4. Statement of the proposed phasing of construction for the project.
 5. Drainage Plan, which shall include the following information:
 - a. Contours with elevations of the pre-developed site and proposed finished grade
 - b. Size of the watershed
 - c. Method of calculation of stormwater run-off
 - d. Proposal for the management of stormwater
 6. Statement of additional roadway needs, including improvements necessary to adequately access and service the lot.
 7. Traffic impact analysis, if required by the Director or Commission.
- F. The following development standards apply to a PUD site:
1. Minimum Lot Area - Two (2) acres
 2. Minimum Lot Frontage - Fifty (50) feet
 3. Building setback, density, parking, landscaping, signage, accessory building, fence, building height, and any other development standard requirements shall be determined through the PUD Special Exception review process.
- G. Modifications to an approved PUD site plan may be made only upon written application to the Department. The Director shall review modifications and certify compliance with all Special Exception conditions of approval and certify that no substantial deviation from the approved site plan has occurred.
1. A substantial deviation shall include, but is not limited to:
 - a. Relocation of an access point to the site;
 - b. Major redesign of the vehicular use areas; and
 - c. Fundamental change in the overall concept of the development
 2. If the Director determines that the proposed modification is inconsistent with a condition of approval, or that a substantial deviation exists, the modified PUD site plan must be resubmitted for approval as required by this Section.
- H. Upon approval of a PUD Special Exception, development activity shall occur at the site within three (3) years of the date of approval, or the Special Exception approval will expire .
- I. The Board of Zoning Appeals, after notice to the property owner and developer of the PUD site, may revoke the PUD approval if the conditions of approval are not adhered to.

SECTION 1020: LIVESTOCK OPERATIONS

A. PURPOSE AND INTENT

It is the purpose and intent of this Section to provide for livestock operations within Huntington County. Two classes of livestock operations have been established based upon the intensity of use. Accordingly, minimum standards have been established for each class of livestock operation in order to assure the compatibility of livestock operations with other uses permitted in the applicable district. These minimum standards are intended to provide protection for existing residential, commercial, industrial, and public buildings from being encroached upon by new livestock operations, as well as protecting approved livestock operations from being encroached upon by new residential, commercial, industrial, and public buildings.

B. APPLICATION FOR LIVESTOCK OPERATION

1. An application for livestock operation approval shall be submitted on a form provided by the Department.
2. The application form shall be submitted to the Department along with the following information:
 - a. A site plan of the property:
 1. The boundaries, dimensions, and total gross acreage of the property;
 2. The location and setback from property lines of all existing and proposed buildings, confinement areas, pits, ponds, lagoons, holding tanks, and wells;
 3. The location of existing easements, watercourses, county drains, well and septic tank locations; and other important physical features on the property;
 4. The location of the property in relation to the surrounding road system;
 - b. A site plan showing the boundaries of the property and all existing dwelling units, commercial buildings, and subdivision lots within one thousand (1,000) feet of the property.
 - c. A site plan showing the boundaries of the property and the land application areas for waste, including dimensions and total acreage.
 - d. A waste management plan, which shall include a proposal for the storage and disposal of waste.
 - e. Any additional information requested by the Department which relates to compliance review.

C. APPLICATION REVIEW

Application for a livestock operation shall be reviewed by the Executive Director as follows:

1. Classification as a minor livestock operation or intensive livestock operation shall be made based upon the definitions described in Section 1020(D) and (E).
2. Compliance with the provisions of Section 1020(F).
3. If the provisions of Section 1020 are adhered to, and if all required and requested information is submitted, the Executive Director can issue a minor livestock operation permit for those operations classified as minor, or intensive livestock operation permit for those operations classified as intensive.

4. The standards set forth in Section 1020(F) shall be incorporated as minimum conditions of approval.

D. MINOR LIVESTOCK OPERATIONS

Minor livestock operations shall be defined as a tract of land or tracts of adjacent lands with no more than the following numbers of livestock per acre based on the tracts(s) of land upon which the livestock and livestock buildings are located:

1. 10 finishing hogs; or
2. 4 sows; or
3. 1 cow; or
4. 25 nursery pigs (under 40 lbs.); or
5. 2 feeder cattle; or
6. 2 heifers (replacement); or
7. 100 turkeys; or
8. 150 laying hens; or
9. 150 pullets; or
10. 150 broilers; or
11. 5 veal calves; or
12. 5 sheep; or
13. 5 goats; or
14. 4 horses; or
15. Limits for other livestock not enumerated herein shall be determined by the Executive Director based upon type or size of livestock.

E. INTENSIVE LIVESTOCK OPERATION

1. Intensive livestock operations shall be defined as any proposed livestock operation or an expansion of an existing livestock operation exceeding the per acre limits set forth in Section 1020 (D) above or any one operation regardless of acreage which has livestock numbers exceeding the following:
 - b. 400 sows; or
 - c. 1,000 finishing hogs; or
 - d. 1,000 nursery pigs; or
 - e. 300 cattle; or
 - f. 30,000 poultry; or
 - g. 500 veal calves
2. Where a livestock operation involves less than 400 sows, 1,000 finishing hogs, 1,000 nursery pigs, 300 cattle, 30,000 poultry, 500 veal calves, but there are more than one kind of species of animals, the number of animals in the operation shall be divided by 400 in the case of sows, 1,000 in the case of finishing hogs or nursery pigs, 500 in the case of veal calves, 300 in the case of cattle and 30,000 in the case of poultry and the resulting percentages shall be added together. If the total of such percentages equals or exceeds one hundred, then the operation is an intensive livestock operation as defined herein. If the total of such percentages is less than one hundred and complies with the acreage restrictions of Section 1020 (D) above, then the operation is a minor livestock operation.

F. GENERAL PROVISIONS

1. The following setbacks shall be maintained for a minor livestock operation building, pen, or confined feeding area:
 - a. Seventy-five (75) feet from the centerline of all two (2) lane county roads;
 - b. Seventy-five (75) feet from the right-of-way line of all state and federal roadways if two (2) lanes wide, and sixty (60) feet from the right-of-way line of county, state, or federal roadways if four (4) lanes wide;
 - c. Twenty-five (25) feet from any side or rear property line; and
 - d. One hundred (100) feet from any water well which services a dwelling unit.
2. The following setbacks shall be maintained for an intensive livestock operation building, pen, or confined feeding area:
 - a. Seventy-five (75) feet from the centerline of all two (2) lane county roads;
 - b. Seventy-five (75) feet from the right-of-way line of all state and federal roadways if two (2) lanes wide, and sixty (60) feet from the right-of-way line of county, state, or federal roadways, if four (4) lanes wide;
 - c. Twenty-five (25) feet from any side or rear property line;
 - d. One hundred (100) feet from any water well which services a dwelling unit;
 - e. Five hundred (500) feet from any dwelling unit other than the dwelling unit(s) on the property;
 - f. One thousand (1,000) feet from any commercial, industrial, or public building; and
3. The following setbacks shall be maintained for any pit, pond, lagoon, or structure open to the sky or not completely contained in a holding tank with cover, and utilized for storage of livestock waste:
 - a. Seventy-five (75) feet from the centerline of all two (2) lane county roads;
 - b. Seventy-five (75) feet from the right-of-way line of all state and federal roadways if two (2) lanes wide, and sixty (60) feet from the right-of-way line of county, state, or federal roadways if four (4) lanes wide;
 - c. Fifty (50) feet from any side or rear property line;
 - d. One hundred (100) feet from any water well which services a dwelling unit;
 - e. One thousand (1,000) feet from any dwelling unit other than the dwelling unit(s) on the property;
 - f. One thousand (1,000) feet from any commercial, industrial, or public building;
4. The following setbacks shall be maintained for any holding tank with cover which is separate from a livestock building and which is utilized for the storage of livestock waste:
 - a. Seventy-five (75) feet from the centerline of all two (2) lane county roads;
 - b. Seventy-five (75) feet from the right-of-way line of all state and federal roadways if two (2) lanes wide, and sixty (60) feet from the right-of-way line of county, state, or federal roadways if four (4) lanes wide;
 - c. Fifty (50) feet from any side or rear property line; and
 - d. One hundred (100) feet from any water well which services a dwelling unit.
5. The following setbacks shall be maintained for the land application of waste:
 - a. One hundred (100) feet from any water well which services a dwelling unit;
 - b. One hundred (100) feet from any dwelling unit other than the dwelling unit(s) on the property; and
 - c. One hundred (100) feet from any commercial, industrial, or public building.

6. All new dwelling units, commercial buildings, industrial buildings, and public buildings shall adhere to the separation distances listed in Section 1020(F)(2), (3) and (5) above.
7. A dwelling unit, commercial building, industrial building, or public building is considered existing on a site under the following circumstances:
 - a. If the building exists on the property; or
 - b. If a building permit, which remains valid, is issued; or
 - c. If the lot upon which the building is to be constructed is in a recorded subdivision or part of an approved and valid preliminary plat.
8. A pit, pond, or lagoon is considered existing on a site if an Improvement Location Permit, which remains valid, has been issued; or, the pit, pond, or lagoon exists on the property.
9. Disposing of Waste
 - a. Sufficient land shall be available for disposing of the waste from the operation. The following minimum land area shall be available for disposal of waste:
 1. One acre for each 45 nursery pigs;
 2. One acre for each 11 sows;
 3. One acre for each 20 finishing hogs;
 4. One acre for each 5 feeder cattle;
 5. One acre for each 6 heifers (replacement);
 6. One acre for each 300 turkeys, ducks, geese
 7. One acre for each 15 veal calves;
 8. One acre for each 3 cows;
 9. One acre for each 450 laying hens;
 10. One acre for each 590 pullets;
 11. One acre for each 690 broilers;
 12. One acre for each 10 horses;
 13. One acre for each 20 sheep or goats.
 14. Limits for other livestock not enumerated herein shall be determined by the Executive Director by comparing body weight and animal wastes with those which are enumerated.
 - b. Fifty (50) percent of the application land must be within two (2) miles of the livestock operation building and must either be owned by the owner of the livestock operation or if not, the owner of the livestock operation must present and submit to the Executive Director an agreement granting permission to apply wastes on the area. This agreement shall be signed by the livestock operator and the owner of the property which is available for waste application, and must be duly notarized to be acceptable.
 - c. A current, valid agreement must be on file at all times with the Department. If an agreement is not on file, the livestock operator is limited to the maximum number of livestock per acre based upon land owned by the owner of the livestock operation.

G. REQUIREMENTS FOR EXISTING LIVESTOCK OPERATIONS

1. An approval of a minor or intensive livestock operation which was granted in accordance with Ordinance 1980-2, which became effective June 1, 1980, and was in compliance with the requirements of Ordinance 1980-2 upon the adoption of this Ordinance shall remain valid. Any increase in the number of livestock which would

change the status of the operation from minor to intensive; or any new construction of buildings, confined feeding areas, pits, ponds, lagoons, or holding tanks; or, any existing application lands or application lands established after the effective date of this Ordinance, shall require compliance with the regulations of this Ordinance.

2. It is the responsibility of the livestock operator to assure all information on file with the Department regarding their operation is accurate.

H. ACCESS TO PROPERTY/INSPECTIONS

The Executive Director may inspect any building, structure, or property at any reasonable time for the purpose of administering and enforcing the provisions of this Section. Inspection of the building(s), structure(s), or property shall be for the purpose of verifying number of livestock; setback distances; location of building(s), structure(s), and waste storage facilities; and location of waste application lands.

I. APPEALS

Any livestock operation determination made by the Director may be appealed to the County Board of Zoning Appeals in accordance with applicable law.

SECTION 1040: PONDS

A. Purpose and Intent:

It is the purpose and intent of this section to provide minimum standards and a permitting process for allowing the development of ponds within the County.

B. Authority:

The Executive Director of the Huntington Countywide Department of Community Development, and the Huntington County Surveyor, are hereby authorized and directed to administer and enforce all of the provisions of this section as applicable.

C. Application and interpretation

Whenever any words or phrases used herein are not defined herein but are defined in other applicable County Ordinances or State laws regulating development and/or drainage, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

D. Definitions:

1. County – Huntington County, Indiana.
2. County Commissioners – The Board of Commissioners of Huntington County, Indiana.
3. Development – The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings; or any clearing, grading, or other movement of land.
4. Drainage Board – The Huntington County, Indiana Drainage Board.
5. Improvement – Any structure or man-made feature, which becomes part of, placed upon, or is affixed to land.
6. Plan Commission – The Huntington County, Indiana Advisory Plan Commission.
7. Enforcement Official – The individual(s) appointed by the Board of Commissioners of Huntington County, Indiana as the designated enforcement official(s) of the provision of this Ordinance.

E. Permit Required

No pond shall be constructed, or increased in size, without a permit issued by the Huntington Countywide Department of Community Development. Said permit shall be issued only in conformity with the provisions of this Ordinance. The following information shall be submitted with the application for a pond permit:

1. Site plan of the property showing the location of the proposed pond, including:
 - a. The proposed distance the pond will be from all property lines (as measured in accordance with Section F below)
 - b. The direction of the flow of water prior to the construction of the pond
 - c. The size, location, and elevation of the outlet pipe, and the direction of the flow of water exiting the property
2. A permit fee of twenty-five dollars (\$25.00) shall be paid to the Department of Community Development when the permit is issued.
3. Permits shall be valid for one (1) year after the date of issuance.

F. Minimum Standards

1. All ponds shall adhere to the following setbacks from property lines:
 - a. Seventy-five (75) feet from the centerline of all county roads (high water level).
 - b. Sixty (60) feet from the right-of-way line of all state and federal roads (high water level).
 - c. Thirty-five (35) feet from the centerline of all county roads (excavating/site work).
 - d. Thirty (30) feet from the right-of-way line of all state and federal roads (excavating/site work).
 - e. Ten (10) feet from all other property line
2. The setback for the side and rear property lines shall be measured to the toe of the slope of the bank of the pond, or to the high water level of the pond, whichever is closer to the property line or roadway. In no case shall any excavation occur, or fill be placed, in the required setback area or within any regulated drain easement.
3. The setback for the front yard shall be measured to the high water level of the pond, with no excavating/site work occurring within a distance of thirty-five (35) feet from the centerline of all county roads or thirty (30) feet from the right-of-way line of all state and federal roads.
4. In no case shall the direction or volume of water exiting the property be permanently altered due to the construction of the pond.
5. The Huntington County Surveyor's Office shall be notified by the property owner and /or excavation contractor when work commences of the construction of the pond. Prior to the removal of excavating equipment, the Huntington County Surveyor's Office will be contacted and will give final approval of the newly constructed pond.

G. Variance Procedure

1. Variance from the minimum requirements of this section shall be filed in accordance with procedures set forth in Section 6.3 of the "Rules and Procedures of the County BZA.
2. A request for a variance from the minimum setbacks requirements or alteration of the direction of volume of water flow from the property shall be submitted to the Department Of Community Development. A filing fee of Thirty Dollars (\$30.00) shall be paid to the Department.
3. A letter from the County Surveyor stating the Surveyor's recommendations on the proposed variance request shall be filed with the application.
4. Inspections:

The Huntington County Surveyor's Office shall be notified by the property owner and/or excavation contractor when work commences on the construction of a pond to insure compliance with the requirements set forth in this section.
5. If any tiles are cut, broken down, or rendered less effective during development activity on a lot, the landowner shall be responsible for the repair, replacement, or relocation of the tile on the lot to maintain the amount on drainage through the lot that existed prior to the development act.

H. Enforcement, Violation, Remedies and Penalties:

1. Complaints Regarding Violations

Any person may file a written complaint whenever a violation of this Ordinance occurs or is reasonably believed to have occurred. The complaint shall state reasonably fully and accurately the particulars thereof, and be filed with the Director of the Department of Community Development or the County Surveyor. The County shall investigate and may take action upon such complaint as provided in this Ordinance.

2. Enforcement Official

The Director of the Department of Community Development and the Huntington County Surveyor are hereby designated as enforcement officials who are authorized and directed to implement the enforcement of this Ordinance.

3. Access to Property/Inspections

- a. The enforcement officials, and designated persons acting on their behalf, may inspect any property in the County at any reasonable time for the purposes of determining or enforcing compliance with the provisions of this Ordinance.
- b. By making application for a permit as provided in this Ordinance, an applicant certifies that the applicant is acting for her/him/itself and as an authorized agent for the property owner(s) related to access to the property for the inspection purposes referred to herein.

I. Violations, remedies and penalties

1. It shall be the duty of the enforcement official to enforce the provisions of this Ordinance.
2. The following shall constitute a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance:
 - a. The construction, erection, or location of any improvement in violation of the provisions of this Ordinance;
 - b. The use or development of property in a manner, which does not conform to the provisions of this Ordinance;
 - c. Any act contrary to the provisions and requirements of this Ordinance; or
 - d. Altering, damaging, or removing any drainage related improvements required by the Plan Commission as part of a development plan or subdivision approval or by the Board of Zoning Appeals as part of a variance or special exception approval, or any other action that compromises the development standards of the zoning code.
3. Any activity considered a violation of this Ordinance is declared to be a common nuisance.
4. A person acting as owner, agent, principal, lessee, contractor, engineer, surveyor, or otherwise who, either individually or in concert with another, knowingly acts contrary to the provisions and requirements of this Ordinance, shall be liable for maintaining a common nuisance.
5. Private covenants or agreements imposing standards different than those in this Ordinance shall not impose an enforcement obligation on the Plan Commission or Drainage Board.
6. The owner, tenant, or occupant of any structure or land and any architect, engineer,

- surveyor, contractor, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies provided.
7. The following process shall be followed by the enforcement official when pursuing a violation of this Ordinance
 - a. The enforcement official shall send written notice to the person believed responsible for the violation(s), and to the property owner of the property involved if different, indicating the nature of the alleged violation and ordering the action necessary to correct it.
 - b. If the violation(s) is not corrected, the enforcement official shall send a written notice identified as being the final notice, and shall state what action the enforcement official can take if the violation is not corrected. The notice shall indicate that an appeal may be filed to the County Commissioners and the procedure for filing an appeal.
 - c. In all violation notices, a reasonable time period shall be expressed and allotted for compliance.
 - d. If compliance is not achieved by the deadline specified in the final notice, the enforcement official may impose one or more of the remedies listed in Section 8 of this Ordinance.
 - e. The enforcement official working with the County Attorney may file a complaint against the person(s) responsible for and prosecute the alleged violation.
 8. The enforcement official may impose any one or all of the following remedies listed below for any violation of this Ordinance:
 - a. A **STOP WORK ORDER** whereby all work on the improvement authorized by the issuance of a permit on the property shall cease at the time of posting. A written **STOP WORK ORDER** shall be sent to the property owner, contractor, or other appropriate individual specifying what action is necessary to remove the **STOP WORK ORDER**. All corrective work or action necessary to release the **STOP WORK ORDER** shall be completed within the stated time limitation. Failure to adhere to this time limitation is a violation of this Ordinance.
 - b. A revocation of any permit issued for work on the property.
 - c. Bring an action in the Circuit or Superior Court to invoke any legal, equitable, or special remedy for the enforcement of this Ordinance, or action taken under this Ordinance. Further, an action may also seek the imposition of a penalty under Indiana Code 36-7-4-1018 or its successor provision.
 - d. Bring action for injunction in the Circuit or Superior Court. This action may seek to enjoin a person or entity from violating, or continuing to violate any provision of this Ordinance and/or maintaining a common nuisance. Further, it may seek the prevention, removal, or abatement of the violation.
 - e. Any other remedy or penalty provided for herein, or by other applicable authority.
 9. Any person found to be in violation of this Ordinance in an enforcement action brought under this Ordinance shall be responsible to pay reasonable costs and expenses, including attorney fees, incurred to the County in connection with the prosecution of such action.

SECTION 1050: DEVELOPMENT PLAN

A. DEVELOPMENT PLAN REQUIRED

1. Except as otherwise specifically stated in this section, a Development Plan is required for all development in the following zoning districts: A, SR, R-2, R-4, R-8, R-20, RMH, LB, GB, AB, M-1, M-2, and POD, 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:
 - a. Dwelling, single-family
 - b. Dwelling, two-family
 - c. Livestock operation, minor or intensive
 - d. Farm
 - e. Commercial Forestry Production
 - f. Fish hatchery
 - g. Manufactured Home Type I or II
 - h. Home Occupation Type II or II
 - i. Park
 - j. Plant nursery
 - k. Kennel
 - l. Child care home
 - m. Day care home
 - n. Cemetery
 - o. Utility service structure, station or yard
 - p. Communication tower
 - q. Group Home
 - r. Planned Unit Development
 - s. Child caring institution
 - t. Child care center
2. No Improvement Location Permit or Building Permit shall be issued until a Development Plan is approved.

B. APPLICATION FOR DEVELOPMENT PLAN

1. The following items shall be submitted or paid to the Department to initiate reviews of a Development Plan:
 - a. Completed application form signed by the property owner.
 - b. Payment of filing fees as required by Section 360(D)
 - c. 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:
 1. Scale, date, north arrow, vicinity map, and title of the project;
 2. The boundaries, dimensions, and gross acreage of the property;
 3. The relationship of the development to the surrounding road system, including the width of the adjacent roadways;
 4. 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.
 5. 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;
6. 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;
 7. Identification of existing land use and zoning of the petitioned site and adjacent properties;
 8. A layout of the proposed building site including the following site data:
 - a. Finished floor elevations
 - b. Common open areas
 - c. Landscaping and buffer areas
 - d. Internal circulation patterns including off street parking and loading facilities
 - e. Total project density (residential)
 - f. Building area
 - g. Percentage of impervious and near impervious surface coverage
 - h. Percentage of open space areas
 - i. The shape, size, location, and height of all structures
 9. Size, location, and orientation of proposed signs;
 10. Proposed lighting of the premises;
 11. Name and address of developers/property owners; and
 12. Size and location of site utilities, including: sanitary sewer or septic, storm sewer, water, gas, and electricity.
- d. Stormwater Management Plan, which shall include the following information:
 1. Contours of the site with elevations of the predeveloped site and proposed finished grade
 2. Size of the watershed
 3. Method of calculation of stormwater run-off
 4. Location, size, and capacity of drainage facilities serving the development
 5. Proposal for the management of stormwater
 - e. Traffic Management Plan, which shall include the following information:
 1. Traffic generation analysis for proposed use
 2. Distribution and assignment of traffic
 3. Adjacent roadway/intersection improvements
 4. Future right-of-way dedications
 5. Additional roadway needs
 - f. A description of the nature and intensity of proposed uses in the development.
 - g. Statement on capacity of sanitary sewer system to service the development.
 - h. Legal description of the property proposed for development.
2. Upon written request from the applicant, the Commission may waive the requirement to submit one or more of the items listed in Section 1050(B)(1)(c)(d) or (e). In order for the Commission to waive a requirement, the Commission shall determine that:
 - a. the item is not necessary for the Commission to adequately review the Development Plan; and
 - b. the item is not necessary for the Commission to determine if the development

requirements in Section 1050(C) are satisfied.

- c. one copy of the application form and five (5) copies of the site plan, stormwater management plan, and traffic management plan shall be submitted at the time the application is filed.

C. DEVELOPMENT REQUIREMENTS

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

1. Compatibility of development with surrounding land uses.
2. 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.
3. Availability of adequate stormwater detention facilities.
4. Compliance with the following development standards, as required in the applicable zoning district:
 - a. lot size
 - b. lot frontage
 - c. building setbacks
 - d. building coverage
 - e. building separation
 - f. parking
 - g. landscaping
 - h. signs
 - i. building height
 - j. building width
 - k. any other development standard in the applicable zoning district
5. Management of traffic in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community by ensuring that:
 - a. the design and location of proposed street and highway access points minimize safety hazards and congestion;
 - b. the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development; and
 - c. the entrances, streets, and internal traffic circulation facilities in the Development Plan are compatible with existing and planned streets and adjacent developments.

D. DEVELOPMENT PLAN REVIEW

1. Development Plans shall be reviewed by the Development Plan Committee in accordance with the Plan Commission Rules of Procedure.
2. The Department shall establish a meeting date, time, and place for the Development Plan Committee to review the Development Plan.
3. The Department may prepare a staff report, and may make a recommendation to the Committee.
4. Notice to interested parties shall be completed in accordance with the Plan Commission Rules of Procedure.
5. The Development Plan Committee may receive evidence from any person regarding the Development Plan.

6. The Development Plan Committee shall review a Development Plan to determine if the Development Plan:
 - a. satisfies the development requirements specified in Section 1050(C); and
 - b. is consistent with the Comprehensive Plan.
7. 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 presiding officer in the absence of the chairperson, shall sign the written findings of the Committee.

E. WAIVER OF DEVELOPMENT REOUIREMENTS

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

1. Section 1050(C)(3) - 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
2. Section 1050(C)(5) - Traffic Management Plan, if the development will have a negligible effect on traffic generation, traffic congestion, or traffic safety.

F. 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:

1. Impose conditions on the approval of a Development Plan if the conditions are reasonably necessary to satisfy the development requirements specified in Section 1050(C);
2. 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
3. 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 Section 502, the Plan Commission Rules of Procedure, and applicable law.

G. AMENDMENT TO AN APPROVED DEVELOPMENT PLAN

1. A property owner may file a written application with the Director to amend an approved Development Plan on property they own.
2. 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.
 - a. A substantial deviation shall include, but is not limited to:
 1. Modification of building location which would affect setback distances or buffering from adjacent residential property;
 2. Relocation of an access point to the site;
 3. Major redesign of the parking and vehicular use area; or
 4. Fundamental change in the overall concept of the development.
 - b. 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. Interested parties who were notified of the initial Development Plan application, and those who presented evidence to, or appeared at the meeting of, the Plan Commission at the time of the original Development Plan approval, shall be provided notice of the decision to approve the amended Development Plan. The notice shall be mailed no later than two (2) working days after the date of approval of the amended Development Plan, and shall allow fifteen (15) calendar days from the date of approval to file an appeal of the decision. If an appeal is filed, it shall be reviewed in accordance with Section 1050(J) and applicable law.
- 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.

H. DURATION OF APPROVAL OF DEVELOPMENT PLAN

1. Development Plan approval expires if an Improvement Location Permit is not issued within two (2) years from the date of approval.
2. Upon request, and after good cause is 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.
3. 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.

I. LIMITATION OF AUTHORITY

1. 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.
2. 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.

J. APPEALS

1. 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:
 - a. 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.
 - b. Notice shall be provided to interested parties in accordance with the County Plan Commission Rules of Procedure.
 - c. 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.

- d. The Commission may affirm, rescind, or modify the decision of the Director or Development Plan Committee. Only that item or items to which an appeal is filed shall be heard and decided by the Commission.
 - e. No filing fee is required for an appeal.
2. 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.