

154.03. SITE PLAN AND SITE DEVELOPMENT PLAN REVIEW**154.03.01 Purpose**

The purpose of Site Plan and Site Development Plan Review is to promote orderly growth and development in the Town of Pendleton (the “Town”) and to insure that such development is done in a manner harmonious with surrounding properties and consistent with the general public welfare and with the policies in the Comprehensive Plan.

154.03.02 Applicability

Every application for an Improvement Location Permit process shall require a Site Plan Review. In addition, all applications for Improvement Location Permits which involve property located in the following zoning district(s) shall require Site Development Plan review by the Plan Commission, consistent with the provisions of Indiana Code 36-7-4-1400 series.

- PB, Planned Business

A. Site Plan Review As Part Of Other Petition

When an application for an Improvement Location Permit also requires approval of a conditional use, variance, subdivision of land, or planned development; or includes any development, redevelopment, or alteration in an historic overlay district; or other application requiring a public hearing; then the site plan review shall be conducted as a part of that public hearing. This should not be interpreted as permitting site development plan review to be conducted by the Board of Zoning Appeals.

B. Site Development Plan Review As Part Of Other Petition

When a site development plan review also requires approval of a subdivision of land, or planned development; or includes any development, redevelopment, or alteration in an historic overlay district, then the site development plan review shall be conducted as a part of that public hearing. This should not be interpreted as permitting site development plan review to be conducted by the Board of Zoning Appeals.

154.03.03 Authority

Unless otherwise specified in 154.03.02 above, a site plan review shall be conducted by the Planning Director and by such other bodies and officials as the Planning Director deems necessary for a thorough review. In cases where site development plan review is required, it shall be consistent with the provisions of Indiana Code 36-7-4-1400 series.

154.03.04 Findings**A. Site Plans That Do Not Require a Public Hearing**

For site plans that do not require a public hearing, the Planning Director shall make findings and shall either approve, disapprove, or approve with modifications the site plan. Applicants whose site plans are disapproved or approved with modifications shall be notified by the Planning Director.

B. Site Plans Requiring a Public Hearing and Site Development Plans

For site plans requiring a public hearing and for site development plans, the Planning Director shall review the application, make findings and recommend approval, disapproval, or approval with modifications. Such findings and recommendation shall be forwarded to the body conducting the hearing and to the applicant. The Planning Director shall prepare and sign written findings of fact documenting the action taken by the body conducting the public hearing. These findings of fact shall be made available to the applicant.

154.03.05 Site Development Plan Application

The petitioner shall submit an application for Site Development Plan Review, an affidavit and consent of property owner (if the property owner is someone other than the petitioner), a copy of the deed for the property involved, the required filing fee, and required supporting information to the Planning Director. Supporting information shall include, but not be limited to the following (the Planning Director and/or the body conducting the public hearing may request additional supportive information, which shall be provided by the petitioner).

A. Summary Statement

A summary statement of the characteristics and operation of the development. The statement shall include any written commitments being made regarding the Site Development Plan.

B. Site Description

A general description of the site and its ownership including:

1. the name, address, telephone number, and e-mail address of the applicant,
2. the name, address, telephone number, and e-mail address of any land surveyors, engineers, or other professionals responsible for the Site Plan design,
3. the name, address, telephone number, and e-mail address of the primary contact individual for the application (it shall be indicated if the primary contact person is the applicant or contracted design professional),
4. the legal description of the subject property and common address of the site, and
5. the proposed name of the development (if applicable).

C. Vicinity Map

A vicinity map showing and clearly identifying the subject property and showing all land within 500 feet of the subject property. The location map should identify the current zoning and use of all property within 500 feet of the subject property.

1. The vicinity map shall also show all property which is contiguous to the subject property that is owned and/or otherwise controlled by the owner or developer of the subject property.
2. A conceptual drawing describing the future development of all contiguous holdings described in 154.03.05(C)(1) above shall be provided by the applicant upon the request of the Planning Director and/or the body conducting the public hearing. At a minimum the conceptual drawings shall include a description of general driveways

and access points, general land uses, general lot arrangements, and general drainage conditions and plans.

D. Property Survey

A property survey prepared by a professional engineer or land surveyor registered in the State of Indiana, and drawn to a scale of not more than 1 inch = 100 feet, showing the following existing features for the subject property and all land within 200 feet of the property lines of the subject property:

1. the boundary line and dimensions of the subject property;
2. all structures (specifically indicating any structures recognized as notable, contributing, or outstanding by the *Indiana Historic Sites and Structures Inventory - Madison County Interim Report*, or listed on the *National Register of Historic Places* and/or *Indiana Register of Historic Sites and Structures*);
3. topography interpolated from USGS sources and/or otherwise meeting the requirements of the Planning Director (provided topographic information should tie into horizontal and vertical control points);
4. significant wooded areas and other isolated trees;
5. 100-year floodplain and 100-year floodway boundaries and elevations;
6. public and private streets (including street names), rights-of-way, and easements;
7. building setback and any build-to lines;
8. all known drainage areas, tiles, pipes, and structures;
9. utility services (including fire hydrants);
10. street accesses; and
11. any other paved or otherwise improved areas.

E. Site Plan

A site plan, drawn to a scale of not more than 1 inch = 100 feet, and 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 development plan, including:

1. setbacks and buffer yards;
2. topography (including elevation contour lines at 2 foot intervals or otherwise meeting the requirements of the Planning Director);
3. structures (including buildings, fences, and walls);
4. all structure heights, dimensions, and floor areas;
5. areas of outdoor storage;

6. permanent dumpsters and trash areas;
7. locations dimensions, and design features (including all curb radii, tapers, and parking space dimensions) of road accesses, interior drives, parking spaces and ramps for the disabled, parking lots, loading docks or areas, sight visibility triangles, and interior sidewalks (all public road access shall be subject to any additional requirements of the Planning Director);
8. open spaces and specific landscaped areas;
9. locations of public and private utilities;
10. water meter clean out locations and elevations and top of casting elevations;
11. sanitary sewer invert elevations;
12. the location, width, and purpose of all easements;
13. the use of each structure and the amount of parking allocated for those uses;
14. public improvements including sidewalks, street trees, and right-of-way dedications;
and
15. locations for temporary uses, such as seasonal sales areas.

F. Landscaping Plan

A landscaping plan drawn by a an Indiana registered engineer, land surveyor or landscape professional, drawn to a scale of not more than 1 inch = 100 feet, and showing the following:

1. required and proposed landscaping in buffer yards and street trees;
2. existing and proposed elevation contour lines at 2 foot intervals (or otherwise meeting the requirements of the Planning Director);
3. 100-year floodplain and 100-year floodway boundaries and elevations;
4. existing and proposed public and internal sidewalks and other pedestrian ways,
5. the size and spacing of the plantings at the time of installation and the species proposed to be used to meet the requirements of this Ordinance; and
6. all existing trees and vegetation to be preserved, and the driplines for such trees (in which no construction activity shall occur).

G. Sign Plan

A sign plan showing the location, height, method of illumination (if any) and dimension of all permanent signs and indications of appropriate locations, heights, and sizes of any temporary signs.

H. Drainage Plan

A site drainage plan bearing the seal of a professional engineer registered in the State of Indiana including all calculations required by the Planning Director. The drainage plan shall include the location of the following:

1. all natural streams, regulated drains, and watercourses,
2. 100-year floodway and 100-year floodplain boundaries and elevations,
3. all marshes, wetlands, and wooded areas, and
4. all drainage area features as described in the drainage calculations.

I. Lighting Plan

A site lighting plan, drawn to a scale of not more than 1 inch = 100 feet, showing the type and location of all exterior lighting fixtures.

J. Construction Plan

A site construction plan, drawn to a scale of not more than 1 inch = 100 feet, showing:

1. proposed erosion and sediment control measures;
2. the location of any proposed construction trailer and worker parking;
3. the location, height, and dimensions of any temporary construction-related signage;
4. any temporary site accesses to be used during construction;
5. any temporary utility connections; and
6. the location of any stockpiles of dirt, construction materials, and construction waste dumpsters or storage areas.

154.03.06 Site Development Plan Process

The process for the review of site development plans shall be as follows:

A. Planning Director Review

The Planning Director shall review the site development plan, including all supportive information. The Planning Director shall consider whether or not the proposed site development plan is consistent with the requirements and guidelines established by this Code. The Planning Director shall make findings documenting his/her review of the proposal and shall forward those comments to the applicant and to the body conducting the public hearing (consistent with 154.03.02) for its consideration.

B. Public Hearing Notification

Notification for the scheduled public hearing shall be completed consistent with the requirements of Indiana Code and this Code.

C. Public Hearing

The body conducting the public hearing shall review the site development plan and any supporting information.

1. The applicant and any appropriate representatives of the applicant, such as a surveyor or attorney, must be present at the public hearing to present the site development plan and address any questions.
2. The body conducting the public hearing shall consider a report from the Planning Director describing his/her findings and testimony from the applicant and any interested parties in making its decision.
3. The body conducting the public hearing shall approve, approve with modifications, deny, or table the site development plan application.
 - a. *Approve:* The body conducting the public hearing shall approve the site development plan if it is consistent with all applicable requirements of this Code.
 - b. *Approve with Modification:* The body conducting the public hearing shall approve the site development plan with modifications if it is generally consistent with all applicable requirements of this Code. The body conducting the public hearing may impose conditions on the approval of a site development plan, which shall become written commitments of the applicant, if the conditions are necessary to satisfy the requirements and intent of this Code.
 - c. *Deny:* The body conducting the public hearing shall deny the site development plan if it is not consistent with the applicable requirements of this Code. Site development plan applications which have been denied shall not be re-filed for a period of 1 year from the date of the denial, unless a different design which addresses the reasons for the denial is submitted.
 - d. *Table:* The petition shall be tabled based on a request by the Planning Director, the petitioner, remonstrators, or interested parties; an indecisive vote; or a determination by the body conducting the public hearing that additional information is required prior to action being taken on the request.

154.03.07 Standards for Site Plan and Site Development Plan Review

The requirements and intent of this Code, and the goals and objectives of the Comprehensive Plan or other applicable Pendleton planning documents shall be utilized in the review of site plans and site development plans. In addition, each of the following development requirements should be satisfied:

A. General Standards

1. The arrangement of the structures on the site allow for the effective use of the proposed development. Furthermore, such arrangement is compatible with development on adjacent property and shall minimize potential impact on the provision of municipal services and utilities.
2. The arrangement of open space and landscape improvements on the site create a desirable and functional environment for patrons, pedestrians, and occupants. The arrangement preserves unique natural resources where possible and respects desirable natural resources on adjacent sites.

3. All circulation systems provide adequate and safe access to the site and are compatible with public circulation systems minimizing potentially dangerous traffic movements. Pedestrian and auto circulation are separated insofar as practical. Site curb cuts have been minimized.
4. Proposed parking areas or lots are designed, located and screened to minimize adverse visual impacts on adjacent properties. Parking lot drainage does not adversely affect neighboring properties. Perimeter parking lot screening and internal landscaped islands have been utilized where feasible.
5. Landscaping design shall create a logical transition to adjoining lots and developments, screen incompatible uses, and minimize the visual impact of parking lots on adjacent sites and roadways. Plant materials selected can withstand the microclimate of the Town of Pendleton.
6. Site illumination has been designed, located and installed so as to minimize adverse impacts to adjacent properties.
7. Reasonable drainage or erosion solutions have been created which properly integrates the site fully and satisfactorily into the overall existing and planned drainage system serving the Town.

B. Additional Standards for Non-Residential Uses

In addition to the General Standards in subsection A, above, non-residential uses shall also be subject to the following additional standards for Site Plan Review:

1. Buildings that abut arterial or collector streets shall be oriented to face such arterials or collectors.
2. Without restricting the permissible limits of this zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
3. All building, mechanical and electrical equipment located adjacent to the building and visible from a public thoroughfare or a residentially zoned or used area shall be screened from view (with natural vegetation.) Such screens and enclosures shall be treated as an integral element of the building's appearance.
4. Roof mounted equipment on exposed roofs shall be screened from view (or located towards the center of the building.) The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.
5. All detached accessory buildings on any lot shall have on all sides the same architectural features or shall be architecturally compatible with the principal building(s) with which it is associated.

C. Additional Guidelines For Site Development Plan Review In The Planned Business District

1. All development located in a Planned Business zoning district shall also be subject to the design guidelines set forth in Appendix G of this Code.
2. In order to further encourage innovative building and site designs capable of enhancing the quality of the built environment along key commercial corridors, the

body conducting the public hearing may grant a waiver of any standards established by this Code. In order to grant this waiver findings must be made that the proposed development:

- a. Displays an innovative use of sign design, building design, building materials, site design features or landscaping which will enhance the use and value of neighboring properties; and
- b. Is consistent with the intent of the Planned Business Design Standards (Appendix G).

154.03.08 Site Development Plan Written Commitments

The applicant in any site development plan application may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on the subject property consistent with IC 36-7-4-613.

A. Origin of Commitments

Written commitments may be proposed by the petitioner as an element of the initial submittal of application materials, as a response to comments made by the Planning Director, or in response to any modifications requested during the public hearing.

B. Consideration of Commitments

Any commitments shall be considered by the Planning Director and/or the body conducting the public hearing at the time of their review of the petition.

C. Recording of Commitments

Following final action being taken on the site development plan application, the written commitments shall be recorded by the applicant. A copy of the recorded commitments shall be provided by the applicant to the Planning Director for the records of the Plan Commission prior to the receipt of an Improvement Location Permit.

D. Enforcement of Commitments:

The written commitments shall be considered part of this Code binding on the subject property.

1. The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or any portion of the subject property.
2. The written commitments shall be enforceable by the Plan Commission consistent with the adopted provisions for the enforcement of any aspect of this Code.
3. The written commitments may be modified only through the site development plan process described by this section.

154.03.09 Effect of Approval

- A. The approval or approval with modifications of a site plan or site development plan shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits or approvals that may be required by this Code.

- B. A copy of every approved site plan and site development plan shall be filed with the Planning Director and the development of the site shall be in substantial conformity with such approved and filed plan.

154.03.10 Limitations on Site Plan and Site Development Plan Approval

Subject to an extension of time granted by the Planning Director, no approval or approval with modification of a site plan or site development plan shall be valid for a period longer than six (6) months unless a Building Permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use commenced within that period.

154.03.11 Appeals

A site plan review decision may be appealed to the Board of Zoning Appeals pursuant to the procedures provided in this Code for an appeal of an administrative decision. A site development plan determination made by the Plan Commission or body appointed by the Plan Commission may be appealed to a court of jurisdiction pursuant to the provisions of Indiana Code 36-7-4-1016.

154.03.12 Adjustments to Site Plans and Site Development Plans During Development

A. Minimum Necessary Adjustment

Any adjustment to an approved site plan or site development plan shall be consistent with the intent and purpose of this Code and the applicable approval, shall be the minimum necessary to overcome the particular difficulty and shall not be approved if they would result in a violation of any standard or requirement of this Code.

B. Minor Adjustments

During the development of the site, the Planning Director may authorize adjustments to a site plan or site development plan when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such minor adjustments shall be limited to the following:

1. Altering the location of any one structure or group of structures by not more than ten (10) feet or one-fourth (1/4) of the distance shown on the approved site plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the site plan, whichever is less.
2. Altering the location of any circulation element by not more than ten (10) feet or one-fourth (1/4) of the distance shown on the approved site plan between such circulation element and any structure, whichever is less.
3. Altering the location of any open space by not more than twenty (20) feet.
4. Altering any final grade by not more than twenty percent (20%) of the originally planned grade.
5. Altering the location, by not more than twenty (20) feet, or type, without reduction of total number, of landscaping elements.

C. Major Adjustments

Any adjustment not authorized by subsection 154.03.12(B), above, shall be considered to be a major adjustment and shall be granted only upon approval of a new site plan or site development plan consistent with the processes described in this Code.