

ARTICLE 23

SITE PLAN REVIEW

SECTION 2300 – Intent

The purpose of this article is to regulate multi-family, commercial, office, industrial and other developments of structures and sites in a manner which considers the impacts to adjacent properties and public infrastructure. Single family residences are exempt from Site Plan Review. Site Plan Review will address specific issues such as parking, landscaping, internal and external access, stormwater runoff and erosion, garbage collection areas and outside storage. Further, this article is written for the benefit of a property owner or developer because it provides the design standards and requirements for developing property within Dearborn County. This article includes references to all other pertinent articles related to the Site Plan Review procedure and requirements.

SECTION 2305 – Authority

The purpose of Site Plan Review is to protect the public health, safety and general welfare of Dearborn County. The provisions and requirements in this article are written and shall be administered to ensure orderly growth and development of Dearborn County. No building shall be erected or expanded, nor shall any grading take place or other site improvements occur, on any lot, site, or parcel for uses where Site Plan Review is required except in accordance with the regulations in this Zoning Ordinance, the requirements stated in this Article, and all other applicable local, state, and federal codes related to the provision and promotion of public health, safety, and general welfare. All such Site Plans shall be reviewed by the Planning Department—and where necessary, the Technical Review Committee—and a determination either approving or rejecting such plans shall be made in accordance with the requirements of this Article and other applicable, articles of this order.

The Planning Department shall not be permitted to reject any Site Plan which is in full conformance with the requirements, terms and conditions of this Article and Zoning Ordinance, nor can additional regulations be imposed which are not included within this order. All approved Site Plans shall be binding upon the applicant, property owner, developer, or their successors and shall limit the development or project to the construction work as shown on the approved Site Plan and to all conditions and limitations for such plans agreed to by the applicants. Amendments or changes to the approved Site Plans shall be subject to the provisions of section 2335. Site Plan Review is required when specified by the individual zoning district, when the proposal is beyond the scope of an Improvement Location Permit as specified in Article 17, or when the scope of the proposal is within the definition of a Minor Site Plan or Major Site Plan as described in Section 2310. Site Plan Review is **always** required for commercial, institutional, and industrial uses that are identified in Articles 11-13 of this Ordinance.

SECTION 2310 – Procedure

Prior to submitting an application for Major Site Plan Review or when waivers are requested in accordance with Section 2315 of this Article, each applicant, property owner, or developer is **required** to have a pre-application meeting with the Dearborn County Plan Commission staff, at least 2 weeks prior to the submittal of a site plan application. For projects that will clearly involve Major Site Plans, the Plan Commission staff will advise the applicant, property owner, or developer as to whether or not a pre-application meeting involving the Executive Committee members of the Technical Review Committee (i.e. the Planning Director, County Engineer, and County Surveyor or their respective designees) is warranted. The purpose of the pre-application meeting is to advise each applicant, property owner, or developer of the Site Plan Review procedure and requirements and discuss any initial concerns and omissions about the Site Plan that is being previewed. In addition, the results of the meeting will also determine whether the development proposed will follow the Minor Site Plan Review procedure or the Major Site Plan Review procedure. Both types of procedures are described below. Typically, new developments on undeveloped land will require Major Site Plan Review.

Minor Site Plan: A Site Plan that involves no exterior utility construction (e.g., storm sewer, water, sanitary sewer, etc.), either no grading work or a minimal amount of grading work, no more than a 4,000 square foot increase of the impervious surface associated with the primary use or structures, including the parking area, no additional access points or curb cuts, and loading areas that are less than 10,000 square feet.

Major Site Plan: A Site Plan that involves exterior utility construction (storm sewer, water, sanitary sewer, etc.), grading work, more than a 4,000 square foot increase of the impervious surface associated with the primary use or structures (including the parking area), access points or curb cuts, and a loading area in excess of 10,000 square feet. Major Site Plans may be reviewed by the Technical Review Committee and other outside agencies in addition to the Plan Commissions Staff.

Accessory structures that are for storage purposes only—which are constructed in the same manner and appearance as those permitted within Agricultural and Residential zones, containing no signage or active employee or customer areas, and not exceeding 2,500 square feet—are subject only to the improvement location permit (a.k.a. zoning permit) procedures for an accessory use, and do not require Site Plan Review. Any Minor Site Plan or Grading Plan application that is within 30 feet of a stream or wetland—or that is within 30 feet of areas that are noted or shown to have wetland soil types, wetland vegetation, and / or other criteria that are typically considered primary characteristics of wetlands—must also be reviewed and approved by the Stormwater Coordinator from the Dearborn County Soil and Water Conservation District Office; and where necessary or applicable, other State and Federal agencies.

SECTION 2315 - Application and Approval

An applicant, property owner, or developer is required to file an application and corresponding copies of a Site Plan and fees (as approved in the current plan commission fee schedule) with the Dearborn County Planning Department. Action in the form of approval or denial of a Minor Site Plan by the Plan Commission's Staff shall occur within 10 working days of when the plan and all corresponding materials are officially submitted to the Plan Department's office in complete form—including all prerequisite permits from other agencies and letters from utility and service providers. Action in the form of approval or denial of a Major Site Plan by the Plan Commission's Staff, in consultation with the Technical Review Committee and other agencies, shall occur within 30 calendar days of when the plan and all corresponding materials are submitted to the Dearborn County Plan Commission's office in complete form—including all prerequisite permits from other agencies and letters from utility and service providers, unless the Plan is tabled.

Site Plan applications which are not submitted in accordance with this Article will be tabled and will not be formally reviewed. Applications that are tabled because of an inadequate submission will remain tabled—*for a period of up to 90 days (unless a time extension is granted as set forth later in this Section)*—until they are determined to meet the requirements of this Article.

A Site Plan application which receives conditional approval with deficiencies noted in writing must address all technical issues identified by the Plan Commission staff and Technical Review Committee members (where applicable) **prior to the commencement of any construction activities**—except previously approved grading and soil and erosion control plans permitted by the applicable local, state, and federal agencies. Site Plans applicants that have been approved with conditions shall be given *(90) days* to address all applicable technical issues and conditions of approval and provide two (2) hard copies and one electronic, digital copy of all of the final Site Plan documentation.

Unless the Site Plan applicant, property owner, or developer submits a written request for a time extension to the Plan Commission staff, and Technical Review Committee members (where applicable) prior to the end of the aforementioned 90-day time period, the conditionally-approved Site Plan or tabled Site Plan shall become null and void and a new Site Plan application with corresponding copies and new fees will need to be submitted with the Dearborn County Planning Department.

Site Plans which have been approved or approved with conditions may be amended up to two (2) times, in addition to the original application submittal, to satisfy technical issues and conditions that the Plan Commission staff and Technical Review Committee members (where applicable) have identified in writing. Site Plan Reviews that involve additional, subsequent reviews for changes that require significant review by the Plan Commission staff and Technical Review Committee members (where applicable) shall be assessed the current Technical Review Committee flat fee for each additional review, provided the reviews are within the *90 days* from the original approval or conditional approval date.

An appeal of the Staff denial of a Minor/Major Site Plan is possible before the Plan Commission at its next regularly scheduled meeting after written notification is made by the applicant to the Planning Director within thirty (30) calendar days of the Staff denial. Final action for approval or denial on the appeal of a Minor/Major Site Plan shall be made by the Plan Commission. Reasons for denial of a Minor Site Plan and Major Site Plan by the Plan Commission shall be given to the applicant in written form.

A waiver of any Site Plan requirement can be requested as part of the application for the development. In addition, extensions of the time requirements specified by this Article can be requested with the application for Site Plan Review. All waivers and extensions shall be reviewed by Planning Director and issued only if such waiver/extension is necessary due to unusual or extreme circumstances inherent in the project site and if the requested waiver/extension does not adversely affect the Site Plan requirements of this Article.

SECTION 2320 - Site Plan Requirements

All Minor Site Plans submitted to the Dearborn County Plan Commission shall be in accordance with this article and shall contain the following information:

1. Dimensions of the site or lot;
2. Location and width of all public and private streets, driveways, and other vehicular circulation areas;
3. Location of all existing and proposed structures;
4. The proposed use at the site;
5. Square footage and height of proposed building or addition;
6. Location of all existing water, sanitary sewer, storm sewer, electric and cable television lines, easements and poles;
7. Location of any proposed parking spaces and dimensions and access points;
8. Statement declaring that "no storm water detention, grading, or utility construction necessary for construction of building addition or site work".

All Major Site Plans submitted to the Dearborn County Plan Commission in accordance with this article shall contain the following information:

1. Project name, date, north arrow, location map (a map which clearly shows the location of the property in respect to existing road and landmark);
2. A scale not smaller than 1 inch equals 100 feet or as approved by the Planning Director or designee;
3. A stamp or seal of an Indiana registered professional engineer, architect, landscape architect or land surveyor (the scope of work performed by such professionals in conjunction with a site plan submission is limited to that permitted by their respective licensing authorities). If grading and/or storm sewer construction work are being proposed, an Indiana registered professional engineer or surveyor shall be required to submit grading information and design the appropriate stormwater system. A stamp or seal of a Indiana registered professional engineer or surveyor is required for grading and stormwater construction work;
4. The present zoning of the subject property and all adjacent properties;
5. All existing and proposed public and private right-of-ways and streets; (See Article 24)
6. All abandoned streets;
7. Existing and proposed finished topography of the subject property shown by contours with intervals not to exceed 5 feet. If necessary, the Dearborn County Plan Commission may request a geo-technical report of a specific site;
8. Location and height of existing and proposed structures on the property with each existing and proposed use noted;
9. Dimensions of each lot or property boundaries;
10. Proposed housing units proposed on the property depicting location, arrangements, number or units in each building, and where applicable, location and dimensions of all lots;
11. Location and arrangement of all common open space areas and recreational facilities;
12. Location, size, and type of all landscaping features (e.g. berms, walls fences, planting material) including: a landscape schedule that specifies plant species, number of plants per species, plant size at installation, and mature plant size; total square footage of the Vehicular Use Area (VUA), the total square footage required to be landscaped and the total landscaped area provided; and, existing trees which are to be retained including temporary fenced or taped areas which will be used to protect the trees during site disturbance. (See Article 22).
13. Location, orientation, lighting, materials, size, and height of signs (See Article 20);
14. Floodplain and/or floodway zone certification and base flood elevation if applicable;
15. Location of all existing and proposed utility lines and easements (each line should be labeled existing or proposed). This information shall also be accompanied by a written statement from each service provider that addresses capacity issues as well as affirms the applicant's ability to connect or tap into these services:

- a. Water distribution systems, including line size, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
 - b. Sanitary sewer system, including pipe sizes, width of easements, gradients, types of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances. A project within the territory of the Dearborn County Regional Sewer District requires written acknowledgement / approval—in addition to acknowledgements / approvals of other service providers (where inter-local agreements may exist or be required), where applicable;
 - c. Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of detention or retention and/or sedimentation basins, and data indicating the quantity of stormwater entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of stormwater generated by development of the subject area, and the quantity of stormwater to be discharged at various points to areas outside the subject property. Show location of all detention/retention ponds (See Subdivision Ordinance for Design Standards and Detention Requirements);
 - d. Other applicable utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements, if information is available;
 - e. Statement located on the Plan regarding who will maintain the drainage system;
16. Location of all off-street parking, loading and/or unloading and driveway areas, (See Article 21 & 24);
- a. the type of surfacing;
 - b. width, and depth of parking stalls, including disabled stalls;
 - c. driveway width;
 - d. traffic flow areas for one way traffic;
 - e. angle of parking used;
 - f. number of parking spaces and loading spaces;
17. Circulation system details that include the following: (See Article 24)
- a. Pedestrian walkways, including alignment, grades, type of surfacing, and width;
 - b. Streets and driveways including alignment, grades, type of surfacing, width of pavement, and right-of-way and whether public or private;

- c. Provisions for access management, which may include, but are not limited to:
 - i. a frontage road (public or private);
 - ii. coordination of curb cuts;
 - iii. curb cut connections accessible to adjoining properties;
 - iv. internal and external traffic control measures and traffic circulation patterns; (See Article 21)
 - d. Location of all above ground and underground storage tanks;
 - e. Location of dumpsters;
 - f. Location of outdoor storage areas.
18. Construction or installation details for the following:
- a. paving, curbing, and sidewalk sections;
 - b. wheelchair ramps and/or curbs;
 - c. on-site traffic/vehicular regulatory signs, including disabled parking stall signage,
 - d. curbcuts;
 - e. garbage storage area enclosure or screening;
 - f. site lighting fixtures;
19. Provisions for control of erosion, hillside slippage, and minimization of sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction. Show all affected or disturbed areas during construction on or within close proximity of the site (i.e., excavation, fill or storage). For guidelines and / or requirements for development proposed on steep slopes, see Article 25 of this Ordinance. In situations where a Soil and Erosion Control Permit is not authorized by the Dearborn County Stormwater Coordinator—through the Dearborn County Soil and Water Conservation District—for a major site plan project, best management practices of the Indiana Storm and Water Quality Manual must be followed, as administered by the Technical Review Committee;
20. If the proposed site was part of a zone change request, submit a copy of the approved concept development plan or show the relationship of the location of the proposed structure(s) to the approved zone change request;
21. Each applicant shall be required to submit traffic information estimating at minimum peak hour traffic entering and exiting the site under review. This information shall be used by the Plan Commission in determining the location of curb cuts or any additional traffic management controls on each site. When appropriate, a Traffic Impact Assessment may be required to be submitted for review by the Plan Commission (See Article 24);

22. Architectural information including the location of main doors and overhead doors shown on the site plan and the height of all structures noted on the site plan. Architectural elevations and renderings which illustrate the overall external building design, and materials and colors to be used in the building design, shall be provided for sites that are subject to other design review requirements, such as conditions of zone change or Concept Development Plan approval;
23. Location of existing recorded or unrecorded cemeteries, buildings listed on the National Register or archaeological sites (See Article 25);
24. Location of parking lot and driveway lights and their illumination areas on the project site and adjoining properties (See Article 25);
25. Any development which requires that a public improvement be made as part of the development may require a financial surety to cover the cost of the public improvements. The Planning Director shall determine if a surety is needed.

The aforementioned information required may be combined in any suitable and convenient manner so long as the data required is clearly indicated. For property to be developed in sections or phases, detailed Site Plans containing the above information need not be submitted for the entire property. Plans conforming to these criteria should be submitted for the section or phase to be developed along with conceptual or schematic plans for the entire property in order to show the relationship of the relevant section to the entire development plan.

SECTION 2325 - Expiration and Extension of Approval Period

The approval of a Site Plan shall be for a period not to exceed two years. If no grading work or building construction has begun within two years after approval is granted, the approved Site Plan will be void. Only a single one (1) year extension of an approved Site Plan may be granted upon request to the Plan Commission prior to the two-year expiration date.

SECTION 2330 - Completion of Site Plan Construction Work and Requirements

All requirements of the approved Site Plan must be completed within six months of building occupancy unless an extension is granted by the Planning Director upon request. The Plan Commission's Staff will conduct a post-development site inspection after the period specified above or occupancy of the use has begun. The purpose of the site inspection is to verify compliance with the approved Site Plan. Any deviation from the approved Site Plan may require a new application or record drawings. The Technical Review Committee shall make this decision. If no building construction is being proposed, all site construction work, if begun, is to be completed one year from the approval date by the Plan Commission. A copy of the approved Site Plan shall be retained on the job site until all site improvements have been completed and have been accepted by the Dearborn County Plan Commission.

SECTION 2335 - Changes or Amendments

Any changes made to the approved Site Plan prior to the development of the site or building shall require the approval of the Technical Review Committee. Depending on the extent of the changes, a new application may be required. Any variations to an approved Site Plan that occurred in the development of the site or building will require that “record drawings” be submitted for review to the Committee. In the event that any person holding an approved site plan permit pursuant to this ordinance has violated the terms of the permit or has implemented site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Building Commissioner or Planning Director, or their respective designees, may suspend or revoke an approved improvement plan permit and may recommend that the project be addressed further as a violation—in consideration of Article 6 of this order.