

**CHAPTER 153.07 PLANNED DEVELOPMENTS**  
*(Amended April 4, 2006, by Ordinance # 2006-8)*

**Repeal Chapter 153.07 in its entirety, and replace as follows:**

**§ 153.07.1 Authority and Purpose**

- a. The purpose of the Development Plan Review process is to assure the compatibility of new development with the surrounding community and to promote innovation and creativity in the design of the environment. A Development Plan is intended to provide information about a proposed development so the Plan Commission can make a knowledgeable decision whether or not the development meets all the requirements of this ordinance and the goals and objectives set forth in the City of Garrett Comprehensive Plan.

**§ 153.07.2 Districts and Projects Designated for Development Plan Review**

- a. The approval of a Development Plan shall be required before an Improvement Location Permit is issued for developments one (1) acre in size or larger that do not involve the subdivision of land in all zoning districts within the Garrett zoning jurisdiction. This includes, but is not limited to:
  1. Any new construction or principal use additions.
  2. Exterior building renovations that require a building permit.
  3. Any development within a MH-Manufactured Housing district.

The following construction activities are exempt from this Chapter:

4. Single-family residences, residential accessory structures, and two-family residential dwelling-units constructed on parcels of real estate larger than one (1) acre in size.
5. Manufactured homes, when located as scattered-site residences within a residential district on parcels of real estate larger than one (1) acre in size.
6. Buildings used exclusively for agricultural purposes.

**§ 153.07.3 Procedures**

- a. Application for Development Plan approval by the Plan Commission shall be as follows:
  1. **Pre-Filing Conference**-- A pre-filing conference with the Planning Department is required prior to the filing of any Development Plan for public hearing before the Plan Commission. The petitioner shall provide a preliminary plan capable of depicting the proposed development. The Planning Department shall review the proposed plan and provide comments back to the applicant after review with other City departments.
  2. **Eligible Applicants**-- Development Plans may be initiated by the submission of a development plan accompanied by an application signed by the owners of the land involved in the development, or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from the owner must accompany the application.
  3. **Filing of Forms**-- All Development Plans for public hearing by the Plan Commission shall be accompanied by an "Application for Approval of a Development Plan" form provided by the Planning Department. Unless otherwise instructed, five copies of the Application for Approval, Site Plans, Site Access and Site Circulation Plans, Building Elevations, Utility Plans, and all other relevant supporting documentation shall be submitted to the Plan Commission.

All plans shall also be submitted in to the Plan Commission as follows:

- Via an acceptable electronic format media or file transfer method (compact disc; email attachment; ftp file transfer, etc.). The format of the file(s) may be as follows:
  - AutoCad 2000 LT compatible format (.dwg or .dxf).
  - ArcGIS compatible format with prior approval of the Planning Department.

Electronic-compatible files of plans shall be tied to existing survey control monuments (i.e., Indiana State Plane East coordinate system) when required by the Planning Department.

- Final "as-built" plans shall also be submitted to the Plan Commission via electronic media or file transfer method in the approved file format required by the Planning Department.
4. **Filing Deadline--** All Development Plans shall be filed at least forty-two (42) days prior to the public meeting at which they are first to be considered by the Plan Commission. A public hearing regarding the proposed development plan will not be scheduled until all of the information required by this Chapter is provided by the developer to the City.
  5. **Filing Fees--** The applicant shall pay all applicable fees at the time of filing the Development Plan per Table 23 of this Ordinance.
  6. **Findings Report--** The Planning Department shall compile a written findings report for the Plan Commission containing the following:
    1. Any facts concerning the physical characteristics of the area involved in the Development Plan.
    2. The surrounding land use.
    3. Public facilities available to service the area, or other pertinent facts.

The written report may also contain opinions of the Planning Department concerning the Development Plan and information from the other agencies that have reviewed the Development Plan. A copy of such report shall be made available to the applicant and all remonstrators of record, if any.

The findings report shall also include the review and comments of the:

- Garrett Fire Department.
- Garrett Police Department.
- Garrett Municipal Electric Utility
- Garrett Municipal Water-Sewer Utility
- Garrett Street Department

The findings report shall also include the review, comments and approvals of the following agencies, as applicable:

- DeKalb County Surveyor's Office
- DeKalb County Soil & Water Conservation.
- Indiana Department of Transportation (if applicable).
- Any other applicable agencies as deemed relevant.

#### § 153.07.4 Review

- a. The approval or disapproval of Development Plans within the Garrett Zoning Jurisdiction is vested in the Garrett City Plan Commission.
  1. The Plan Commission may approve a Development Plan upon finding that:

- a. The proposed development is consistent with the intent and purpose of the City of Garrett Comprehensive Plan; and,
  - b. The proposed Development Plan satisfies the Development Requirements specified in § 153.07.5.
  - c. Approval of said findings may be in the form of a general statement. Disapproval of findings must specify noncompliance with a specific portion of this Chapter.
2. **Signature for Findings**-- All findings specified in Section 153.07.5 for the approval of a Development Plan shall be in writing and signed by the President of the Plan Commission in the case of a determination by the Plan Commission, and retained as a part of the permanent record. A copy of the approval shall also be provided to the Applicant.

**§ 153.07.5 Development Plan Requirements**

- a. Development Plans shall demonstrate compliance with the following requirements:

**1. General Development Requirements.**

- a. Compliance with all applicable development standards of the zoning district in which the real estate is located.
- b. Compliance with all applicable provisions of the Subdivision Ordinance (unless a waiver has been granted, in which case compliance with the terms and conditions of the waiver shall be required).
- c. The proposed development shall be appropriate to the site and its surroundings.
- d. The design and location of proposed street and highway access points shall minimize safety hazards and congestion.
- e. The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
- f. The applicable utilities have sufficient capacity and access to provide potable water, sanitary sewer facilities, electricity, telephone, natural gas, and cable service at a satisfactory level of service to meet the needs of the proposed development.
- g. The entrances, streets, and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.

**2. Site Access and Site Circulation Development Requirements.**

- a. All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development.
- b. Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both vehicular and pedestrian traffic in and around the site.
- c. Multifamily projects shall include internal sidewalks along all internal streets as well as sidewalks along perimeter streets.
- d. Where site access has been officially approved by an agency other than the City of Garrett, the Plan Commission shall be required to include such approved access in the approval of the Development Plan.

**3. Lighting Development Requirements.**

- a. Light sources shall be located and installed in such a way that minimizes light spilling over onto contiguous properties. Lighting shall be installed so as to reflect away from adjoining properties.
- b. Special attention shall be given to the intensity, function, and appearance of lighting to be installed. Lighting installed shall be consistent with other lighting in the surrounding area.
- c. Street lighting shall comply with the requirements of the Garrett Subdivision Ordinance.

#### 4. Building Orientation.

- a. Each building facade visible from a public street or oriented to an adjoining Residential District shall be a finished facade.
- b. No loading docks shall be permitted to face a public Street.
- c. When any portion of the loading docks are visible from a public street, the loading docks shall be screened by either building walls, a solid fence, densely planted shrubbery, or a combination thereof, none of which may be less than six feet in height, as prescribed by Table 13 & Table 14 of this Ordinance.
- d. When loading docks are facing or oriented to a side or rear lot line of an adjoining Residential District, the loading docks shall be screened from view from such Residential District by either building walls, a solid fence, densely planted shrubbery, or a combination thereof, none of which may be less than six feet in height, as prescribed by Table 13 & Table 14 of this Ordinance.
- e. No outside storage of manufacturing materials or finished products shall be permitted between an established building line and the right-of-way of a public street or an adjoining Residential District.
- f. All roof or ground mounted mechanical equipment shall be completely enclosed. Ground-mounted enclosures for mechanical equipment shall be landscaped on all sides not facing the building served.

#### 153.07.6 Required Information

- a. All requests for Development Plan approval shall include the following plan documentation and supporting information:
  1. Site Plan --A site plan indicates the nature of the proposed development. It shall be drawn to scale of not more than 1" = 100' and shall include the following items:
    - a. North arrow.
    - b. Graphic scale.
    - c. Address of the site.
    - d. Proposed name of the development.
    - e. Area map insert showing the general location of the site referenced to major streets and section lines.
    - f. Legal description of the site.
    - g. Boundary lines of the site including all dimensions of the site.
    - h. Names, centerlines, and right-of-way widths of all streets, alleys, and easements.
    - i. Layout, number, dimension, and area (in square feet and acres) of all parcels/ lots and out lots with building setback lines.
    - j. Location and dimensions of all existing and proposed structures, including paved areas and signs.
    - k. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
    - l. Use of each structure by labeling including approximate density or size of all proposed uses and structures on the site (e.g. parking - # of parking spaces provided, office - gross floor area).
    - m. Structures proposed for demolition, if any.
    - n. Distance of all structures from front, rear, and side parcel/ lot lines. (This distance is measured as a line from the point where the structure is closest to the parcel/lot line. This line is perpendicular to the parcel/lot line).
    - o. Location and type (e.g. ground, pole, wall) of all signs on the site
    - p. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, or other similar uses.
    - q. Proposed landscaping buffers or landscaped areas.
    - r. Existing zoning and land use of all adjacent real estate.
    - s. The names and addresses of the owner(s) and registered land surveyor and engineer.
    - t. Any proposed deeds of dedication related to streets, utilities and / or easements.
    - u. Any other information necessary to support a thorough review of the project and as requested in

writing by the Plan Commission or the Planning Department

2. **Building Elevations--** Building Elevations filed in connection with the submission of a Development Plan shall be drawn to scale and shall include the following items:
  - a. Address of the site.
  - b. Proposed name of the development.
  - c. Graphic scale.
  - d. Elevations for each facade of the building.
  - e. Specification of the type and color of building materials to be used for all wall, window, roof, and other architectural features.
  - f. Placement, size, color and illumination details for any proposed wall sign.
  - g. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Planning Department
  
3. **Site Access and Site Circulation Plan--** The Site Access and Site Circulation Plan requirements listed may be incorporated into the required Site Plan. The Site Access and Site Circulation Plan shall be drawn to scale of not more than 1" = 100' and shall include the following items:
  - a. North arrow.
  - b. Graphic scale.
  - c. Address of site.
  - d. Proposed name of the development.
  - e. Names, centerlines, and right-of-way widths of all streets, alleys, and easements.
  - f. Location and name of all existing and proposed public or private streets, access easements, and rights-of-way within 200 feet of the site.
  - g. Location of any proposed or existing driveways onto a Street or alley and its width at the lot line.
  - h. Depictions of all travel lanes, turning movements, vehicle storage areas, parking areas, and tapers, including dimensions, at all driveways.
  - i. All improvements to the street system on-site and off-site.
  - j. Measurement of curb radius and/or taper
  - k. Location and dimensions of primary vehicular ways in and around the proposed development.
  - l. Location of any proposed or existing sidewalk
  - m. Display area for retail sales items. Retail or outside sales items may be displayed between the front façade of a building and the adjoining street / road provided that such displays do not hamper internal site circulation, or ingress-egress to and from the site. Sale areas are not to be consider as part of the required parking spaces.
  - n. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Planning Department
  
4. **Utility Plan--** The Utility Plan shall be drawn to a scale of not more than 1" = 100' and shall include the following items:
  - a. Location of all existing and proposed utility easements.
  - b. Location and size of all existing and proposed utility components including, but not limited to: sanitary sewer components, water components, storm water components, electric, gas, telephone, and cable.
  - c. Elevations (in USGS data) of manholes, inverts and mains for sanitary and storm mains.
  - d. Location and illumination capacity of all lights.
  - e. Names of legal ditches and streams in or adjacent to the site.
  - f. Contours sufficient to illustrate storm water runoff.
  - g. Storm water drainage plan including estimated runoff
  
5. **Traffic Impact Study --** Traffic Impact Study shall be required when a proposed development will meet or exceed the warrants of the INDOT Traffic Impact Study Guidelines, as follows:

- a. 150 or more dwelling units;
- b. 15,000 square feet or more of retail space;
- c. 35,000 square feet or more of office space;
- d. 70,000 square feet or more square feet of industrial space;
- e. 30,000 square feet or more of educational space;
- f. 120 or more occupied rooms;
- g. 46,000 square feet or more of medical space; or,
- h. Any mixed use development that generates 100 or more peak hour trips in the peak direction.

A registered professional engineer shall prepare and certify the Traffic Impact Study. The Traffic Impact Study shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, the applicant shall meet with the Planning Department and the Street Superintendent to determine an appropriate scope for the Traffic Impact Study.

- 6. **Statement of Development Build-Out** --Applicant shall indicate, either on the submitted Site Plan or in writing, a statement of:
  - a. The order of development of the major infrastructure elements of the project.
  - b. Project phase boundaries, if applicable.
  - c. The order and content of each phase.
  - d. An estimate of the time frame for build-out of the project.
- 7. **Green Space Provisions**-- Applicant shall indicate, either on the submitted Site Plan or in writing, along with any necessary explanatory materials or graphics, a statement of the nature and extent of all existing and proposed green space and landscaping on the real estate.

**153.07.7 Waivers of Development Requirements**

- a. In order to encourage innovative building and site designs that enhance the quality of the built environment in the City of Garrett, the Plan Commission, pursuant to Indiana Code 36-7-4-1402(b)(4), may waive Development Requirements contained in §153.07.5(a)(2) (Site Access and Site Circulation) and/or Section §153.07.5(a)(4) (Building Orientation) upon making findings as specified below in Section §153.07.7(a)(3).
  - 1. The Plan Commission may not waive any other Development Requirements, including Section §153.07.5(a)(1) (General Development Requirements) and Section §153.07.5(a)(3) (Lighting Development Requirements).
  - 2. If a Site Access waiver is requested, the Plan Commission may not grant such waiver unless a favorable review comment or letter regarding the site access waiver is received from the City, County or State agency having jurisdiction over access to and from the applicable street.
  - 3. **Conditions for Waiver of Development Requirements** --Plan Commission may approve a waiver of Development Requirements only upon finding all of the following:
    - 4. The proposed development represents an innovative use of site design / site access design / site circulation design /building orientation which will enhance the use or value of area properties.
      - a. The proposed development will not be injurious to the public health, safety, morals or general welfare of the City of Garrett.
      - b. The strict application of the Development Requirements of §153.07.5(a) of the City of Garrett Zoning Ordinance will result in a development of the real estate, which is undesirable when compared with the proposed development.

- c. The proposed development is consistent with and compatible with other development located in the area.
- d. The proposed development is consistent with the intent and purpose of the City of Garrett Comprehensive Plan.

**153.07.8 Amendments**

- a. **Amendments Proposed at a Public Hearing--** The applicant may propose amendments to Development Plans which are recommended by the Plan Commission or the Planning Department at any time prior to a vote on the Development Plan Approval. If, in the sole discretion of the Plan Commission, the proposed amendment is of such a nature that additional time is needed for review, the Plan Commission may continue the hearing to the next meeting of the Plan Commission.
- b. The Plan Commission, in its sole discretion, may assign a continued Development Plan to a committee of the Plan Commission for further review and evaluation prior to the next meeting of the Plan Commission.
- c. If amendments are presented by the applicant and agreed to by the Plan Commission at the public hearing, revised plans indicating all amendments, as approved by the Plan Commission, shall be filed with the Planning Department within 30 days of the Plan Commission hearing or such approval will become null and void.
- d. **Amendments to Approved Development Plans--** Minor amendments to Development Plans which have already received approval from the Plan Commission and which do not involve an increase in height, area, bulk or intensity of land uses; the designation of additional land uses; the reduction in perimeter yards; the addition of driveways or access points; or reduction in the amount of parking may be authorized by the Planning Department without a public hearing, if the requested minor amendments do not adversely impact the purpose or intent of the overall development.
  - 1. Such minor amendments authorized by the Planning Department shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
  - 2. If the Planning Department determines that the proposed minor modification is of such a nature as to adversely impact the purpose or intent of the overall development, or if the proposed modification includes an increase in intensity of any land use or if the proposed modification includes the designation of an additional land use(s), the applicant shall be required to file a new application for Development Plan approval.
  - 3. Any decision of the Planning Department regarding the amendment of Development Plan may be appealed by any interested party to the Plan Commission within 30 days of such determination.

**153.07.9 Duration**

- a. Substantial completion of the proposed development shall occur within one year of the date of Development Plan approval by the Plan Commission.

The Planning Department may grant a onetime extension of up to one year in duration to obtain substantial completion. If substantial completion has not occurred within one year of the date of approval, or by the end of the one-year extension period, the developer shall present a Special Request before the Plan Commission for an extension of time in which to achieve substantial completion. If an extension of time is not requested or denied by either the Planning Department or the Plan Commission, the prior Development Plan approval shall be deemed null and void. All work must stop and any further development of the site shall require the approval of a new Development Plan in compliance with the terms and provisions of the City of Garrett Zoning Ordinance in effect at the time of filing of the new Development Plan.

**153.07.10 Issuance of Permits**

- a. Prior to the issuance of an Improvement Location Permit for any development where a Development Plan is required, the following items must be completed:
  - 1. The Plan Commission shall approve the Development Plan according to this Ordinance and the City of Garrett Comprehensive Plan.
  - 2. The applicant shall record all relevant utility easements, rights-of-way, plats, deed restrictions, or any other required legal instruments in the Office of the DeKalb County Recorder in a form approved by the Commission.

**§153.07.11 Inspection of Public Improvements**

- a. Inspections of the installation of infrastructure within, or serving, a development plan shall be documented by completing the "Testing / Documentation Requirements for New Infrastructure" form provided by the Garrett Planning Department. Inspections and testing shall be conducted according to the requirements of this form. A City-authorized inspector shall be present when infrastructure is tested. The City of Garrett Board of Public Works and Safety will not accept infrastructure proposed for dedication to the City of Garrett, until said form is properly completed.