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§ 153.07.1 Authority and Purpose

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 and Planning Department 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.

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§ 153.07.2	Districts and Projects Designated for Development Plan Review
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The approval of a Development Plan shall be required before an Improvement Location Permit is issued for developments smaller than one (1) acre of land in size that is part of a larger planned development that does 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:

1.	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.	
2.	Manufactured homes, when located as scattered-site residences within a residential district on parcels of real estate larger than one (1) acre in size.	
3.	Buildings used exclusively for agricultural purposes	
4.	Existing Commercial or Industrial building sites for any structures or expansions included as part of the approved Development Plan.	
5.	Minor Amendment of a previously approved Development Plan and does not exceed a 25% growth in cumulative size of the original structure(s) on the property.	
a.	Minor elevation changes to commercial or Industrial buildings	
b.	Buildings or extensions which are smaller in size as compared to the existing structure and not exceeding double the capacity of the existing approved Development Plans.	

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§ 153.07.3	Procedures
Application for Development Plan approval by the Plan Director shall be as follows:	
	Pre-Filing Conference -- A pre-filing conference with the Planning Department is required prior to the filing of any Development Plan. 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.
1.	All plans shall also be submitted in to the Plan Department 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.
	Final "as-built" plans shall also be submitted to the Plan Department via electronic media or file transfer method in the approved file format.
2.	Fees -- The applicant shall pay all Improvement Location Permit applicable fees at the time the Development Plan is submitted Table 23 of this Ordinance.
3.	Findings Report -- The Planning Department shall compile a written findings report for containing the following:
a.	Any facts concerning the physical characteristics of the area involved in the Development Plan.
b.	The surrounding land use.
c.	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 demonstrator 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

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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	
The approval or disapproval of Development Plans within the Garrett Zoning Jurisdiction is vested in the Garrett Planning Department.	
1.	The Planning Department 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 Planning Director and retained as part of the permanent record. A copy of this approval shall also be provided to the Applicant.
§ 153.07.5 Development Plan Requirements	
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.

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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.	Multi-family 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	
	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.	
	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 any 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 an combination thereof, none of which may be less than six feet in height, as prescribed by Table 13 & Table 14 of this Ordinance.	

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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.	
5.	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 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 an 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 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 if measured as a line from the point where the structure is closest to the parcel / lot line	
o.	Location and type (e.g. ground, pole, wall, sign) 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.	

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s.	The names and addresses of the owner(s) and registered land surveyor and engineer.	
t.	Any proposed deeds of dedication related 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 Planning Department.	
6.	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 to 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 Planning Department.	
7.	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 a 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 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.	

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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 facade 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 considered 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 Planning Department.	
8.	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 and size of all existing and proposed utility components including, but not limited to: sanitary sewer components, water components, stormwater components, electric, gas, telephone and cable.	
b.	Elevations (in USGS data) of manholes, inverts and mains for sanitary and storm mains.	
c.	Location and illumination capacity of all lights.	
d.	Names of legal ditches and streams in or adjacent to this site.	
e.	Contours sufficient to illustrate stormwater runoff.	
f.	Stormwater drainage plan, including estimated runoff.	
9.	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.	Any mixed use development that generates 100 or more peak hour trips in the peak	
e.	Project phase boundaries, if applicable.	
f.	The order and content of each phase.	
g.	An estimate of the time frame for build-out of the project.	

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10.	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 Planning Department, 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 § 153.07.5(a)(4) (Building Orientation) upon making findings as specified below in § 153.07.7(a)(3).	
1.	The Planning Department may not waive any other Development Requirements, including § 153.07.5(a)(1) (General Development Requirements) and § 153.07.5(a)(3) <u>Lighting Development Requirements</u> .	
2.	If a Site Access waiver is requested, the Planning Department 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 - Planning Department may approve a waiver of Development Requirements only upon finding all of the following:	
a.	The proposed development represents an innovative use of the site design / site access design / site circulation design / building orientation which will enhance the use or value of area properties.	
b.	The proposed development will not be injurious to the public health, safety, morals or general welfare of the City of Garrett.	
c.	The strict application of 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.	
d.	The proposed development is consistent with and compatible with other development located in the area.	
e.	The proposed development is consistent with the intent and purpose of the City of Garrett Comprehensive Plan.	
§ 153.07.8	Amendments	
	Amendments Proposed at a Public Hearing - The applicant may propose amendments to the Development Plans which are recommended by the Planning Department at any time prior to an Approval of the Development Plan.	
1.	The Planning Department, in its sole discretion, may assign a continued Development Plan to the Plan Commission for further review and evaluation prior to the next meeting of the Plan Commission.	

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2.	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 shall become null and void.	
3.	Amendments to Approved Development Plan - Minor amendments to Development Plans which do not involve an increase in height, area, bulk or intensity of land uses; the designation 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.	
a.	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.	
b.	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 the designation of an additional land use(s), the applicant shall be required a new application for Development Plan approval.	
c.	Any decision of the Planning Department regarding the amendment of the Development Plan may be appealed by any interested party to the Plan Commission within 30 days of such determination.	

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§ 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 Planning Department.	
	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	
§ 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 Planning Department 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.	