

TITLE VII. DEVELOPMENT PLAN REVIEW

Section 7.01 Purpose

The purpose of this Title is to provide for consultation and cooperation between the applicant and the Town of Cedar Lake in order that the applicant may realize planned objectives in the use of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development will be completed with minimum adverse effect on the use of adjacent streets and highways, and on existing and future land uses, public services, Town character, and the natural environment.

Section 7.02 Scope and Applicability

- A. Development Plan review and approval shall be required in accordance with the procedures of this Title prior to applying for a building permit for the construction, reconstruction, erection or expansion of a building or structure subject to Development Plan review, as specified in this Section. No clearing of the site or land disturbances shall occur until Development Plan approval is given and any applicable performance guarantees are in place. Development Plan review shall be required as follows:

Zoning District	Use	Review Authority
RT, RM, O-1, B-1, B-2, B-3, M-1, M-2	All principal uses permitted by right	Plan Commission
	Special uses (after BZA approval)	
PFR, A, R-1, R-2, MHC	All principal non-residential uses permitted by right	Town Administrator
	Special uses (after BZA approval)	
PUD	Open space or mixed use PUD (final PUD approval)	Plan Commission
All Districts (except PUD)	Developments larger than twenty (20) acres	Plan Commission
All Districts	Plats	Plan Commission, except if authority is specifically delegated by the Subdivision Control Ordinance
All Districts	Parking lots	Plan Commission

- B. In cases where the Town Administrator has review authority and reasonably determines that a site plan presents problems or issues which should be reviewed for approval or rejection by the Plan Commission because of potential impacts upon the surrounding area, development size, or technical difficulties or considerations, the matter may, at the Town Administrator's sole discretion and with written notice to the owner, be referred to the Plan Commission.

Section 7.03 Exemptions

- A. A Development Plan shall not be required for a single or two-family dwelling when permitted by right on a lot on which there exists no other building or use; provided a survey showing property boundaries, right-of-way lines, tax key numbers, address, and platted survey showing easements shall be furnished to the Town Administrator prior to submitting an application for a building permit.

- B. Home occupations and accessory buildings in Residential Districts shall also be exempt.

Section 7.04 Site Development Plan Review Requirements

A. **Preliminary Site Development Plan Review:** The applicant shall submit fifteen (15) copies of a Preliminary Development Plan for review by the appropriate body, as specified in Section 7.02 A. However, the Town Administrator may, at his or her sole discretion, waive the Preliminary Development Plan requirement in which case the requirements for a Final Development Plan, per Section 7.04 B. shall be met.

1. Preliminary Development Plan submittal shall include the information listed within subsection C, below, unless deemed unnecessary and waived in writing by the Town Administrator. Preliminary Site Development Plans shall be at a scale not to exceed 1 inch equals 100 feet (1" = 100').
2. The Town Administrator shall refer the Preliminary Development Plan to the designated review body, in accordance with Section 7.02.A. The review authority shall review the plans in accordance with the standards of Section 7.07 of this Ordinance.

B. **Final Development Plan Review:**

1. Fifteen (15) copies of a Final Development Plan, prepared by a professional engineer, architect, or land surveyor shall be submitted for review. Final Site Development Plans shall be at a scale not less than one inch equals twenty feet (1"=20') for property under three (3) acres and at least one inch equals one hundred feet (1"=100') for those three (3) acres or more.
2. Applications for Final Development Plan reviews shall include the information as listed within subsection C, below, unless deemed unnecessary and waived in writing by the Town Administrator.

C. **Development Plan Submission Requirements:**

Information Requirements	Development Plan	
	Preliminary	Final
Narrative		
The overall objectives of the proposed development.	✓	✓
Size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public streets and drives, and open space.	✓	✓
Dwelling unit densities by type, if applicable.	✓	✓
Proposed method of providing sewer and water service, as well as other public and private utilities.	✓	✓
Proposed method of providing storm drainage.	✓	✓
Schedule showing area (acres and square feet) of the total site and area to be occupied by buildings, parking, streets, stormwater detention areas, and open space.		✓
Schedule of parking requirements, showing proposed uses, number of spaces required, and number of spaces proposed.		✓
Legal description of the subject property.	✓	✓

Information Requirements	Development Plan	
	Preliminary	Final
Drawing – General Requirements		
The date, north arrow, and scale.	✓	✓
Name and address of the property owner or petitioner.	✓	✓
Name and address of the person and/or firm who prepared the plan and the date on which the plan was prepared, as well as subsequent revision dates.	✓	✓
A general location sketch showing at minimum, properties, streets and use of land within ½ mile of the area.	✓	✓
Name, phone number, contact person and address of the firm responsible for the preparation of the Site Development Plan.	✓	✓
Property address and tax key number	✓	✓
Signature and seal of professional responsible for preparing the Site Development Plan(s)		✓
Drawing – Existing Conditions		
Property lines and approximate dimensions.	✓	
Existing zoning and use of all properties on and abutting the subject site.	✓	
General location of significant natural features, including but not limited to, dedicated open space, landmark trees, wetlands, stands of trees, streams, ponds, lakes, floodplains, hills, slopes of over 15%, and similar natural assets or hazards.	✓	
All existing buildings, parking and driveways on the site and within 100 feet of the site boundaries.	✓	✓
Existing adjacent streets (including pavement width and right-of-way)	✓	✓
Size and location of existing utilities (water, sanitary sewer, storm sewer)	✓	✓
Survey showing property lines, including road right-of-way, and dimensions.		✓
Topography at contour intervals no greater than 2 feet for the subject site and extending one hundred (100) feet beyond the property boundaries on all sides		✓
Drawing – Proposed Development		
All proposed lot lines (dimensioned)	✓	✓
Required and proposed setbacks (dimensioned)	✓	✓
Proposed buildings and use (conceptual)	✓	
Parking areas and access points.	✓	
General locations and type of landscaping, buffer strips and screening.	✓	
Building footprints (dimensioned).		✓
Street address for each building or occupancy		✓
Top of foundation elevations		✓
Parking lots (including the dimensions of a typical parking space and the total number of parking spaces to be provided).		✓

Information Requirements	Development Plan	
	Preliminary	Final
All proposed driveways and streets (including dimensions and radii), acceleration/deceleration lanes, sidewalks, curbing, fire lanes, and unloading areas.		✓
Dimensions of all proposed structures on the subject property including dwelling unit densities by type, if applicable.		✓
Size and location of proposed utilities, including any proposed connections to public or private community sewer or water supply systems.		✓
Size and location of all surface water drainage facilities		✓
Location of fire hydrants		✓
Stormwater Pollution Prevention Plan in accordance with the Town of Cedar Lake Stormwater Management Ordinance		✓
Site grading plan showing contours no greater than two (2) feet		✓
Location and type of proposed signs		✓
Location and specifications of exterior lighting		✓
Photometric analysis for sites with more than five (5) parking spaces		✓
Landscape plan, prepared by a registered landscape architect, showing location, type, and size of all proposed landscaping.		✓
Location, height and materials of existing and proposed fences and walls.		✓
Location and screening of all solid waste disposal facilities, including dumpsters and recycling.		✓
Location and specifications for existing or proposed outside, above or below ground storage facilities for hazardous materials.		✓
Recreation areas, common use areas, floodplain areas and areas to be conveyed for public use and purpose.		✓
Elevation drawings of proposed buildings.		✓
Typical floor plans for dwelling units		✓

D. Additional Information:

1. The review authority, prior to granting approval of a Development Plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s) to assist in determining the appropriateness of the proposed development and its conformance with the standards and requirements of this Ordinance. Such material may include, but need not be limited to, aerial photography, photographs, impacts on significant natural features and drainage, soil tests, and other pertinent information.
2. The review authority may require the applicant to submit a Traffic Impact Assessment or Traffic Impact Study as part of Final Development Plan review, in accordance with the provision of Section 6.04 C.2.

Section 7.05 Application and Review:

- A. Prior to submitting a formal application for Development Plan review, the owner shall schedule a pre-application review meeting at least thirty (30) days prior to submitting a formal application.

The purpose of this meeting is to informally discuss the proposed development with the Town Administrator and other staff and consultants; to clarify zoning requirements; and to identify information requirements and potential issues to be addressed by the Development Plan.

- B. A complete Development Plan review packet, including sufficient copies (as required by Section 7.04) of Development Plans, a completed application form, and the application fee, shall be submitted to the Town Administrator for review, as required. The Town Administrator shall review the packet for completeness and route to appropriate town staff and/or Plan Commission for review. Applications shall not be accepted unless all required materials and fees are submitted and are declared complete by the Town Administrator.
- C. The review authority shall approve, deny, or approve subject to conditions, the Development Plan, in accordance with the provisions of this Title.
- D. Any required conditions or modifications shall be recorded and made a part of the record.
- E. Three (3) copies of the final approved Development Plan shall be signed and dated by the Town Administrator or Plan Commission President, or designee, and the applicant. The Town shall retain two (2) of these approved copies on file and one (1) signed copy shall be returned to the applicant or his designated representative.
- F. Each development subject to Development Plan review shall be substantially under construction within one (1) year after the date of approval of the Final Development Plan, except as noted below.
 - 1. The review authority may grant a single one (1) year extension of the time period; provided the applicant requests, in writing, an extension prior to the date of the expiration of the Development Plan. A performance guarantee may be required, as a condition of the extension.
 - 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
 - 3. If neither of the above provisions are fulfilled or the one (1) year extension of the Development Plan expires, then approval shall be null and void and any performance guarantees may be exercised to finalize required improvements.

Section 7.06 Changes in an Approved Plan

- A. The holder of an approved Final Development Plan shall notify the Town Administrator of any proposed change to the Final Development Plan.
- B. Minor changes may be approved by the Town Administrator upon determining that the proposed revision(s) meet the standards of the ordinance and the intent of the design and will not alter the basic design or any specified conditions imposed as part of the original approval. A revised Final Development Plan shall be submitted which reflects the approved changes. Minor changes shall include the following:
 - 1. For residential buildings, the square footage of structures may be reduced or increased by up to ten percent (10%) of the originally approved area, provided the overall density of units does not increase, the minimum square footage and parking requirements are met,

and the building(s) does not extend outside a designated building envelope, or into any required open space or required setback.

2. Gross floor area of nonresidential buildings may be decreased or increased by up to ten percent (10%) or two thousand (2,000) square feet, whichever is less, of the originally approved area, provided parking requirements are met and the building does not extend into any required open space or required setback.
 3. Movement of a building by up to five (5) feet, if consistent with required setbacks, open space and other requirements.
 4. Height of buildings may be lowered.
 5. Designated woodlands or areas not to be disturbed may be increased.
 6. Plantings on the approved landscape plan may be replaced by similar types of landscaping on an equal or greater basis in accordance with the provisions in Title X.
 7. Improvements or slight redesign of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, where appropriate.
 8. Changes of building materials to another of higher quality, or a slight change in exterior material, as determined by the Town Administrator
 9. Modification of entry design, sign placement or reduction in size of signs, which is consistent with the intent of the approved plan.
 10. Internal rearrangement of parking lots which does not affect the number of parking spaces or alter access locations or design.
 11. Changes to the location of accessory buildings and structures, when the new location will be consistent with the building envelope identified on the approved plan, and when it would not extend into any required open space or required setback.
 12. Changes required or requested by the Town, County or State for safety reasons.
- C. A proposed change determined by the Town Administrator not to be minor shall be resubmitted for full staff or Plan Commission review in the same manner as the original application. If the Town Administrator determines that a proposed minor change may have a major impact on the neighborhood or area involved, he or she may refer the plan to the Plan Commission.

Section 7.07 Review Standards

The following standards shall be utilized by the review authority in reviewing all Development Plans. These standards are intended to provide a frame of reference for the applicant in the preparation of Development Plans as well as for the review authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.

A. Site Development Standards:

1. The uses proposed will not adversely affect the public health, safety, or welfare.
2. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

3. The Development Plan shall provide reasonable visual and sound privacy for all dwelling units located within and adjacent to it. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes. Landscaping shall conform to the requirements of Section 8.05. Appropriate fencing, in compliance with the requirements of this Ordinance, may be required around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands. Street or sidewalk and pathway cross-connections between developments may also be required.
4. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access.
5. The standards of the Waterfront and Wetlands, Flood Protection, and Access Management Overlay Districts shall be met, as applicable.
6. Development Plans shall conform to all applicable requirements of Town, County, State, or federal agencies. Approval by the review authority may be conditioned on the applicant receiving necessary approvals from other agencies or demonstrating compliance with other regulations including, but not limited to, Indiana Department of Environmental Management Rule 5 and Rule 13 Requirements, existing well head protection agreements, an archeological significance release, the Lake County Drainage Board, Natural Resource Conservation District, U.S. Army Corp. of Engineers, and the Indiana Department of Natural Resources.
7. The general purposes and spirit of this Ordinance and the Comprehensive Plan of the Town shall be maintained.
8. The development shall comply with the standards of the Town of Cedar Lake Development Standards Manual.

B. Vehicular and Pedestrian Standards:

1. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. Entrances and exits shall align to form intersections when possible.
2. Vehicular, pedestrian, and other non-motorized connectivity shall be provided to the greatest extent possible with adjacent properties, streets, and potential destinations (parks, schools, shopping nodes, etc.).
3. Appropriate sidewalks, trails or pathways for pedestrians and non-motorized vehicles shall be required within the development and between developments but may be deferred with an appropriate performance guarantee.
4. Vehicular entrances and exits shall be the minimum number necessary to provide safe and convenient access to and from the site. The number of vehicular entrances to and exists from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors. All streets and driveways shall be developed in accordance with this Ordinance and other local, state, or federal requirements.

5. Adequate traffic control shall be provided on-site and throughout developments to ensure safe vehicular and non-motorized cohabitation. Traffic calming measures, paved road shoulders, and deceleration or turn lanes may be required, when deemed necessary by the review authority.
6. The review authority may require shared driveways or the consolidation of existing driveways where appropriate.

C. **Environmental and Natural Features Standards:**

1. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The review authority may require that landscaping, buffers, and/or buffer strips be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
2. Landmark trees and other significant vegetation slated for protection shall be clearly designated on the Development Plan and marked on-site to prevent their damage during construction. Landmark trees shall include one (1) or more of the following:
 - a. a trunk diameter of thirty (30) inches measured at a point four (4) feet, six (6) inches above the ground;
 - b. tree(s) planted more than 75 years ago and maintained for educational purposes;
 - c. tree(s) planted more than 75 years ago as a memorial to a group, individual, or event;
 - d. tree or group of trees commonly recognized as an established and familiar feature of the community or a significant part of the town's heritage;
 - e. tree(s) symbolizes an historically significant event, place, individual, or contribution; or
 - f. is a rare or unusual species for the area.
3. Landmark trees shall be healthy, indicate at least a seventy percent (70%) chance of surviving more than ten (10) years, be able to be maintained without excessive threat to the public health, safety and welfare.
4. Appropriate measures shall be taken to ensure proper removal of surface waters. Stormwater drainage design shall recognize existing natural drainage patterns. Stormwater removal shall not adversely affect neighboring properties or the public storm drainage system.
5. The edges of parking lots shall be curbed with concrete to improve pavement longevity and to prevent encroachment upon landscape areas.
6. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Subsurface control or storage structures and depressed landscape islands within parking lots are encouraged. Catch basins may be required to contain oil filters or traps to prevent contaminants from being directly discharged to the natural drainage system.

7. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land, in accordance with Town, County, State and Federal requirements.
8. Provisions shall be made to accommodate stormwater on-site wherever practical. Direct discharge of stormwater into surface waters is prohibited. Where feasible, nonstructural control techniques shall be utilized which shall:
 - a. Limit land disturbance and grading.
 - b. Maintain vegetated buffers and significant vegetation.
 - c. Minimize impervious surfaces.
 - d. Use terraces, contoured landscapes, runoff spreaders, grass, or rock-lined swales.
 - e. Use infiltration devices.
9. In conjunction with paragraphs 4 through 7 above, Stormwater Management and erosion control design details shall comply with the provisions of the Stormwater Management Ordinance of Cedar Lake, Indiana. A Stormwater Pollution Prevention Plan shall be prepared and submitted for review.

Section 7.08 Development Plan Approvals

- A. The Building Official shall withhold permits until a Final Development Plan receives approval and a completely revised, correct, and signed plan is on file with the Town.
- B. As part of an approval to any Development Plan, the review authority may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest. A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the Development Plan is approved in accordance with this Ordinance.
- C. Conditions imposed shall be related to and ensure that the review standards of this Title are met and shall meet the requirements of the Zoning Ordinance.
- D. Approval of a Development Plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners and occupants.
- E. The approvals of other agencies may be accommodated as part of a conditional approval. If, however, input from another review agency substantially changes the layout of a site, the new Development Plan may have to be reviewed again. The extent to which additional review is necessary shall be determined by the Town Administrator. A record of the decision of the Town Administrator, the reason for the decision reached, and any conditions attached to the decision shall be kept and made a part of the record.
- F. The Town Administrator, or designee, shall make periodic investigations of developments for which Development Plans have been approved. Failure to maintain or comply with the requirements and conditions of the approved Final Development Plan shall be considered a violation of this Ordinance.

- G. Any Final Development Plan approval may be voided by the original review authority, if it has been determined that a material error in the original approval has been discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency. The voiding of an approved Development Plan shall be communicated, in writing, with reasons for revocation to the property owner.

Section 7.09 Performance Guarantees

The review authority may require a performance guarantee in accordance with Section 12.06 to ensure compliance with the approved Final Development Plan.

Section 7.10 Appeal

If any person shall be aggrieved by the action of the review authority, appeal in writing to the Board of Zoning Appeals may be taken, in accordance with the provisions of Title XI. After a public hearing and a review of the record, the Board of Zoning Appeals shall affirm or reverse the action of the Town Administrator or Plan Commission, stating its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant.