

# CHAPTER 10

## SITE/DEVELOPMENT PLAN REVIEW

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### INTRODUCTION

Site and development plan review of public and private projects is conducted by the plan commission or its designated staff to ensure compliance with stated policies of the comprehensive and other relevant jurisdictional plans, and zoning district development and design standards.

Nearly all physical development necessitates the submission of a site/sketch plan before a permit can be issued. Examples include, but are not limited to fences, signs, pools. On the more simple end of the scale, is a residential garage. One must know the size of the garage, how it relates to other structures on the property, and its distance from property lines. More complex projects such as a new bank, multifamily residential, retail center, business park, etc., or projects in specifically designated districts, typically will require a development plan before a permit can be issued. In these cases, there are many issues that need to be addressed including access from public streets, site layout, building size, internal vehicular and pedestrian circulation, drainage, parking, landscaping, utility connections, and lighting. Design details including building materials, architectural style, roof, entrance details, and others also may be important to a community.

### DEFINING A SITE PLAN

Site plans may be prepared for new construction, conditional use permits, variance requests, or special exception applications. The *Growing Smart Legislative Guidebook* prepared by the American Planning Association and available at [www.Planning.org](http://www.Planning.org), defines a site plan as “a scaled drawing that shows the layout and arrangement of buildings and open space”.

Examples of elements shown on a site plan include:

- Legal or site description of the real estate involved;
- Location and size of buildings and structures on the lot;
- Width and length of all entrances and exits to and from said real estate;
- All adjacent and adjoining roads or highways;
- Reserved open space;
- Actual shape and dimensions of the lot to be built upon;
- Front, side, and rear setback;
- Easements;
- Locations of service, planting, and parking areas, where applicable; and
- Location of utilities.

If written into the ordinance, a site plan can be approved by plan commission staff and a public hearing is not required.

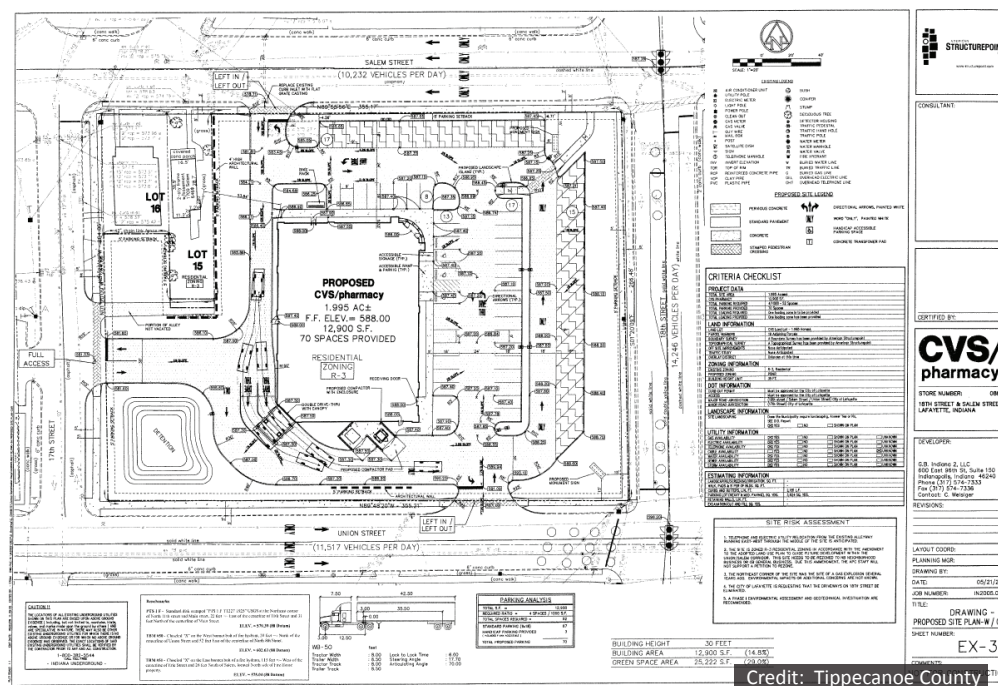
Site plan = Sketch Plan

## DEFINING A DEVELOPMENT PLAN

Since 1996, Indiana Code has enabled jurisdictions to require development plans in zoning districts previously designated in a zoning or unified development ordinance\*. Development plans are specific plans for the development of real property that require approval by the plan commission, satisfy the development requirements specified in the zoning ordinance, and contain the plan documentation and supporting information required by the zoning ordinance.

Indiana Code acknowledges that a community can specify regulations that development plans must meet including:

- Compatibility of the development with surrounding land uses;
- Availability and coordination of water, sanitary sewers, storm water drainage, and other utilities;
- Management of traffic;
- Building setback lines;
- Building coverage;
- Building separation;
- Vehicle and pedestrian circulation;
- Parking;
- Landscaping;
- Height, scale, materials, and style of improvements;
- Signage;
- Recreation and open space; and
- Outdoor lighting.



Credit: Tippecanoe County

IC 36-7-4, 1400 Series

IC 36-7-4-1403(a)

Does the zoning code in your community specify districts in which development plan approval by the plan commission is required? Are criteria for development plan approval specified, too?

Many communities require an informal pre-application conference for an applicant to consult with plan commission staff or a staff planner to obtain guidance prior to preparing plans. If not required, this service still should be offered as a courtesy and by appointment.

### APPLICABILITY

Most zoning codes require that adequate information be provided to determine the applicable submittal process. This is generally achieved through a **site/sketch plan**. This scenario would apply to a new home, a new garage, a room addition, a shed, a deck, signs, and maybe a fence, depending on the details of the zoning ordinance. These are small scale projects that typically result in a relatively quick administrative review.

Per Indiana Code, communities may specify in which zoning districts or for what type of permit a **development plan** is required. Generally, development plan approval is a prerequisite to obtaining improvement location and building permits for major projects such as multifamily, commercial retail/office, industrial, and institutional developments, whether private or public.

It may be difficult to decide when projects involving the expansion of an existing facility (structure/parking lot) will require development plan approval from the plan commission. This difficulty can be overcome by including criteria in the applicability section of the zoning code. For example, the zoning code might specify that principal use additions, parking lot expansions, projects involving one acre or more of land, or a change equal to twenty (20), thirty (30), or fifty (50) percent or more of the existing structure shall obtain development plan approval before an improvement location permit can be issued.

### WHO CONDUCTS THE PLAN REVIEW?

The responsibility for conducting plan review depends on the nature and/or complexity of the project. Review and approval can be administrative or by the plan commission. For example, a site/sketch plan for a new house, garage, sign, or deck may be reviewed and approved by the jurisdiction's planner or a single plan commission staff member. Site plans prepared for a conditional use or special exception permit or variance request, are reviewed by planning staff and forwarded to the board of zoning appeals for a quasi-judicial review and decision.

Development plans for more complex projects should undergo a thorough review starting with the jurisdiction's plan staff. In many communities, the submitted development plans are routed to various departments (police, fire, utilities, traffic/street, surveyor, public works, drainage, and/or engineering) for their review. This process can be streamlined by creating a technical review committee consisting of these staff members. The technical review committee meetings can be as needed or regularly scheduled monthly depending on the volume of such projects. It is



usually helpful to have the applicant or representative in attendance to answer questions and receive comments firsthand. After this type of routing process, the site or development plan, along with the comments from the various departments, is reviewed by the plan commission for comments, conditions, and/or approval.

Indiana Code states that a plan commission may delegate development plan approval. Delegation may be granted to staff, a hearing examiner, or a committee of the plan commission. The delegation must be clearly stated in the zoning ordinance and include the duties granted to the hearing examiner, the procedures for review, and procedures for an appeal. Some communities take advantage of this streamlined procedure, thus requiring only the most complex plans to be brought before the plan commission.

If development plan review is delegated, it is important that the review procedure stated in the zoning ordinance be used by the reviewer in exactly the same manner as it would be by the plan commission. Decisions of the reviewer should be documented in exactly the same manner (written findings) they would be as if decided by the plan commission.

It is also important to note that a site plan decision made by the staff, hearing examiner, or committee can be made without a public hearing if the zoning ordinance provides for an appeal of the decision directly to the plan commission.

## PROCEDURES FOR DEVELOPMENT PLAN REVIEW

A development plan for a new or redevelopment project should meet all submittal requirements, meet or exceed all development standards that are part of the zoning ordinance, and be consistent with the comprehensive plan and other applicable plans as specified in Chapter 7, Comprehensive Plans.

### Submittal Requirements

The first step in the plan review process should be for the applicant to meet with plan commission staff for guidance prior to preparing the plan submittal. Many ordinances require this meeting.

When plans are submitted, staff will verify whether all required items are present to determine if an application is complete. The zoning ordinance should provide a specific list of required items. Submittal requirements should reflect the complexity of the project and may include the following:

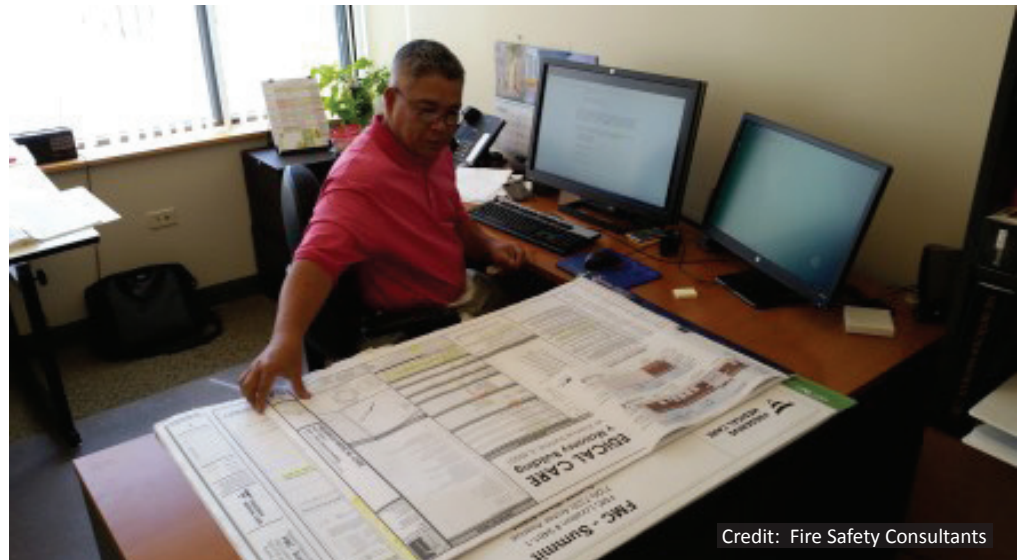
- Application form and applicable fees;
- Name and address of the owner, developer, engineer, surveyor, etc.;
- Location of the project;
- Legal description/survey of the subject property;
- Scale and north arrow;
- Location of buildings, required setbacks, parking and loading areas;
- Location and names of public roads providing access to the site;

IC 36-7-4-402(d)  
IC 36-7-4-1402(c)

- Location and ownership of all adjacent property;
- Layout and design of all proposed rights of way, easements, etc.;
- Location, dimensions, and design, of all proposed signs;
- Location, height, direction of illumination, for all proposed outdoor lights;
- Landscape plan;
- Signage;
- Contours with elevations of proposed finish grades;
- Location of any proposed outside storage areas;
- Traffic management;
- Erosion control plans;
- Copies of any other applicable permits; and
- Certification/seal of design professional.

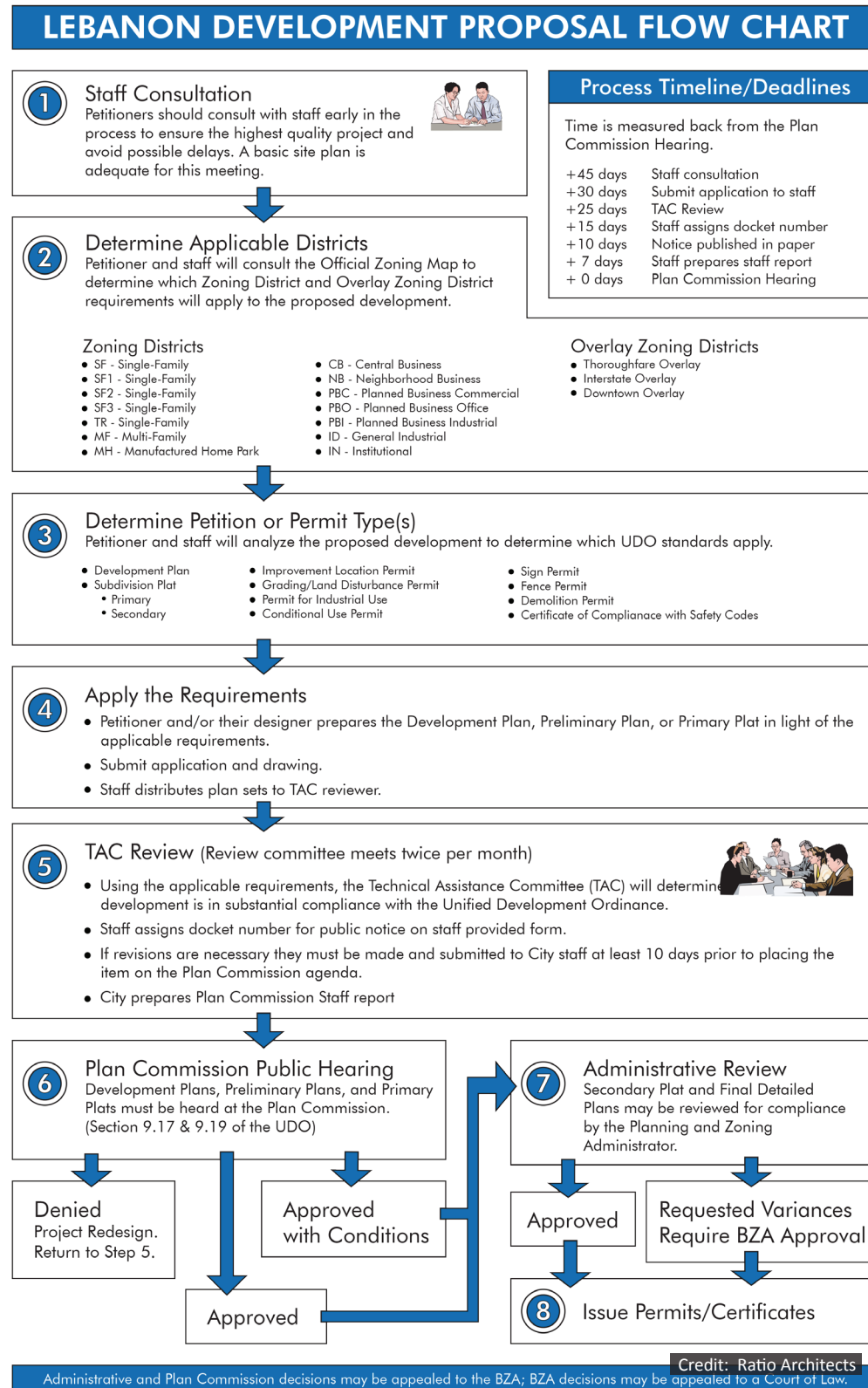
### The Review Process

When the plan meets the submittal requirements contained in the zoning ordinance, a detailed review shall commence. If a plan fails to meet any of the submittal requirements, the deficiencies should be conveyed in writing to the owner/developer/engineer. There should be no further review and the project should not be scheduled for a hearing before the plan commission or specified committee (technical review, design review) or for public hearing. The jurisdiction's application filing deadlines should allow adequate time for these reviews.



Credit: Fire Safety Consultants

## Example of a Local Indiana Site Development Plan Process:



IC 36-7-4-1403(a)

### Compliance With Development Standards

Indiana Code identifies a number of development standards that may be included in the review of a development plan. If design standards are used, these should be objective; a project clearly meets the requirement or it does not. These standards must be clearly identified within the zoning ordinance. Examples include parking standards, driveway standards, landscape standards, etc.

The process of review simply involves comparing what is proposed on the development plan to what is required by the standards prescribed in the zoning ordinance. It is easiest to go through the development and design standards section, checking each off after confirming the plan meets or exceeds them. Some communities develop a checklist for staff to use to assist with this task. All dimensions and calculations should be verified and may include:

- Yards and setbacks;
- Number of parking spaces, space and aisle width;
- Loading dock standards;
- Building height;
- Lot coverage;
- Size, spacing, and location of landscaping for shade, screening, etc.;
- Sign location, number, and size;
- Driveway surfaces, locations, and width;
- Utility easement locations and dimensions;
- Storm water pipes, culverts, and detention facilities;
- Sidewalk and bicycle path locations and width;
- Site lighting height and illumination level; and
- Material finishes.

If a development plan fails to meet any of the development standards, the deficiencies should be conveyed in writing to the owner/developer/engineer. Indiana Code permits owners to request a variance or waiver from one or more of the development standards under certain defined circumstances.

### Compliance with the Comprehensive Plan

Indiana Code states that the plan commission shall review a development plan to determine if it is consistent with the comprehensive plan, which represents the community's vision, goals, and policies.

The Code further states that the plan commission may impose conditions on the approval of a development plan if the conditions are reasonably necessary to satisfy the development standards specified in the zoning ordinance. For example, the approval of a development plan may also be conditioned on the establishment of a bond or written assurance that guarantees the timely completion of proposed public improvements.



The plan commission should review the development plan against the comprehensive plan paying particular attention to language in the plan related to land use and community services, annexation or growth, and transportation facilities. It is important to identify proposed public investments that may impact the site plan (road expansion, park development, sewer line extensions, etc). It may also be appropriate to consider other items that may not be specified in the zoning ordinance, but are critical to obtaining development that best meets the needs of the community. These items may include, but are not limited to:

- Adequacy of buffers between incompatible uses;
- Minimizing the impact to existing natural features;
- Accommodating non-vehicular transportation;
- Ensuring connectivity between developments; and
- Intersections or road improvements.

It is also appropriate to consider other adopted community plans. These may include neighborhood plans, overlay or corridor plans, capital improvement plans, public health and wellness plans, economic development and downtown revitalization plans, park master plans, bike and pedestrian plans, etc. Often such plans will help the plan commission determine appropriate conditions of approval or other steps needed to approve the plan. Any imposed conditions must be reasonable and supported by written findings that relate to adopted ordinances and plans.

### Decisions and Documentation

The results of the plan commission or staff review should be adequately documented. The type and extent of the documentation is generally dependent on the complexity of the plan that is reviewed. Site plan review for a single family home may be documented simply through the issuance of an improvement location permit or a zoning permit. If the plan is denied, a simple letter identifying the basis for denial is sufficient.

Development plan review is best documented with marked up plans, copies of correspondence, summary from technical committee review, findings, improvement location permits and/or certificates of compliance. The marked up copy of the plan should graphically explain the comments provided in the written correspondence. Being thorough and detailed helps to avoid misunderstandings and unnecessary delays in plan review. It's important to note that a development plan may have multiple reviews by the staff and various departments before it actually is reviewed by the plan commission. Each review should be documented.

The plan commission (or plan commission staff) should include within the written correspondence, findings of fact that link their comments or conditions back to specific sections of the zoning ordinance or adopted plans. These findings should be made part of the official record of each site plan review. Findings help clarify what the plan commission used as a basis for its comments or conditions and help defend against any legal challenges to its decisions.

Plan commissioners should visit sites upon completion to see if they appear and function as envisioned. Information gained in those visits will provide input into future amendments to the comprehensive plan or ordinances.

Once the plan commission is satisfied that the plan review is complete and approves the plan, written findings should be provided to the owner. Often approval is in the form of an improvement location permit or zoning permit. This permit should clearly state what has been approved, make reference to the approved site plan (with the date of the plans), and include any conditions of approval or applicant commitments. The plan commission may also disapprove a development plan. This is a final decision of the plan commission and can be appealed in a court of law under IC 36-7-4-1016.

Some communities utilize a second permit referred to as a certificate of compliance or occupancy permit. This second permit is issued upon demonstration that all conditions of development plan approval have been met and that all construction has been completed. Upon issuance of this second permit, the site plan review process may be considered complete and the file can be placed in permanent storage.

### SUGGESTED RESOURCES

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James A. LaGro Jr. *Site Analysis*. John Wiley & Sons. 2001

Thomas H. Russ. *Site Planning and Design Handbook*. McGraw-Hill. 2002

Kevin Lynch & Gary Hack. *Site Planning*, 3rd Edition. The MIT Press. 1984

Stuart Meck (ed.). *Growing Smart Legislative Guidebook: Model Statutes for Planning and Management of Change*. American Planning Association. 2002

Albert Solnit. *The Job of the Practicing Planner*. "How to Red-Pencil Site Plans" by Charles Reed. APA Planners Press. 1988

Van Hemert, James. "The Development Review Process: A Means to a Noble and Greater End." *Zoning Practice*, January. 2005.

Meck, Stuart, Marya Morris, Kirk Bishop, and Eric Damian Kelly. "Chapter 4.5: Model Unified Development Permit Review Process." In *Model Smart Land Development Regulations*. Interim PAS Report. Chicago: American Planning Association. 2006.

Arimes, George N. "Process for Improving the Development Review System." In *Manager's Planning Guide to Improving the Development Review System*. Appendix A – Job Aids. AICP Planners Training Service. 2003.