

# **EXHIBIT 1**

## **152.15 DEVELOPMENT PLAN**

### **A. Authority**

Under the authority granted to advisory plan commission in IC 36-7-4-1400, Development Plans are required for the following developments:

1. Residential zoning district: multi-family use.
2. Business zoning district: all uses.
3. Planned Unit Development zoning district: a Detailed Development Plan for the development as a whole.

### **B. Purpose**

The purpose of this subchapter 152.15 is to provide standards and procedures for reviewing and approving Development Plans to ensure that development in the planning jurisdiction of Town of Thorntown is consistent with the Comprehensive Plan, adheres to the zoning regulations of this Ordinance and other applicable regulations and standards.

### **C. Approving Authority**

The Plan Commission shall approve or deny the Development Plans. The Planning Administrator may approve or deny minor amendments to the Development Plans.

### **D. Applicability**

The Development Plan review process shall be necessary prior to any: new construction; building additions; new or expanded surface Parking Areas; new or expanded surface loading or outdoor storage areas; or any other improvements that require an Improvement Location Permit.

### **E. Exception**

Application for construction of a new One-Family or Two-Family Dwelling shall not go through the Development Plan procedure in this subchapter 152.15, but instead shall go through the Improvement Location Permit procedure prescribed in subchapter 152.16 and the Building Permit procedure prescribed in Chapter 150. Alterations, additions, or demolitions of the structures at One-Family and Two-Family properties shall be reviewed through the Building Permit procedure prescribed in Chapter 150.

### **F. Application, Filing Deadlines and Fees**

The applicant shall follow the application, filing deadline and fee payment requirements prescribed in subchapter §152.10. In addition to submitting a filled out application, the applicant shall submit supporting information and plans described in this subchapter.

### **G. Submittal Materials**

All applications for development plan approval must include the required plans, documentation and supporting information. Other information for a thorough review of the project may be requested by the Plan Commission or Administrator in writing. The Administrator in writing may waive or relax any of the documentation required which is considered irrelevant or unnecessary for a thorough review of the development.

1. **Development Plan Scope.** A development plan must include details applicable to the overall development, shared or common areas, shared infrastructure, and other areas deemed appropriate by the Administrator or Plan Commission to ensure a coordinated development.
2. **Site Plan Requirements.** A development plan must include the following, drawn to scale of 1" = 100' or less:
  - a. Title, scale, north arrow, and date.
  - b. Proposed name of the development.
  - c. Address and legal description of the property.
  - d. Property owner name.
  - e. A vicinity map showing the general location of the site referenced to streets and section lines, as well as the zoning district and use of adjacent properties.
  - f. Boundary lines of the property including all dimensions.
  - g. Location, name, centerline and width of all streets, alleys, driveways, access easements and transportation plan system improvements (existing or proposed) located within or adjacent to the property.
  - h. Location and dimensions of existing and proposed sidewalks, pathways, trails, or other transportation improvements.
  - i. Location and dimensions of existing and proposed curb cuts, driveways and interior access drives, including connection to public streets.
  - j. Off-street and on-street parking areas, loading areas, stacking spaces and circulation patterns for vehicles, truck, equipment and bicycles showing dimensions; and

tabulation of the number of off-street and on-street parking, loading, and stacking spaces.

- k. Layout, number, dimension, and area (in square feet and acres) of all lots and outlots with building setback lines.
  - l. Location and dimensions of all existing and proposed structures (including development amenities) and paved areas.
  - m. Labeled use of each lot and/or building, including approximate density or size of proposed uses and buildings (e.g., number of dwelling units, gross floor area, number of seats in assembly areas, etc.).
  - n. Location of all floodway, floodway fringe, and steep slope areas within the boundaries of the property.
  - o. Names of legal ditches, drains and streams on or adjacent to the property.
  - p. Location and feasibility statement of all existing and proposed utility facilities and easements, including: sanitary sewer, water, storm water management, electric, gas, telephone, and cable.
  - q. Identification of buildings and/or structures proposed for demolition.
  - r. Areas of the property reserved for development amenities, open space, and other similar uses.
  - s. A stamp of a certified engineer who prepared the plans.
2. **Landscape Plan.** A landscape plan is required as part of any development plan and should include the following details:
- a. Location of existing trees and landscaping materials, indicating size, species (common and botanical name) and if they are to be kept or removed.
  - b. Location of open spaces and development amenities as well as open space area in acres marked per each open space area.
  - c. A table that summarizes the minimum required landscaped space and number of plants.
  - d. Location of all new plants.

- e. A table that lists the plant species (common and botanical name), type (canopy tree, evergreen tree, shrub, native grass, etc.), their quantity, and size at planting (tree height and caliper, shrub height, etc.).
  - f. Existing and proposed screens, walls, and fences, indicating materials, height, and location.
3. **Building Elevations.** Drawings of proposed buildings must be filed in connection with the submission of a development plan, drawn to scale, and include the following:
- a. Black and white elevations for each building facade (360 degree). The elevations shall include the following measurements: building height; wall height per floor; ceiling height; window and door sizes; height, location and materials of foundation.
  - b. A separate true color rendering, or other realistic depiction, of the proposed building, including any areas designated for signage.
  - c. Specification of the type and color of exterior materials to be used for all wall, window, roof and other architectural features.
  - d. Details of any exterior architectural lighting.
4. **Lighting Plan**
- a. For all proposed buildings, additions and parking garages 1,000 square feet or greater, a lighting plan shall be provided indicating all exterior lighting fixtures existing and proposed on site, and the proposed light fixture locations and a light fixture schedule listing the cutoff details of each light fixture, quantity used on site, and lumens rating.
  - b. In addition, for all proposed buildings, additions and parking garages 45,000 square feet or greater, a photometric layout shall be provided with the lighting plan indicating all photometric calculations including foot-candle levels on a regular grid across the site and extending beyond the lot; and the aiming direction of the light fixtures.
  - c. Subdivisions/PUDs: A plan of street lighting shall be provided showing the location of the light poles and indicating lighting pole specifications like pole height, material, color, and light specifications.
5. **Sign Plan.** The sign plan should show the location of the proposed signs, street signs, list their types, dimensions, and illumination specifications.
6. **Traffic Impact Study.** A Traffic Impact Study may be required to be conducted at the discretion of the Plan Commission. If a Traffic Impact Study is required, then it shall be prepared by a registered professional engineer and shall evaluate the impact of present and

future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, the petitioner shall meet with the Plan Commission or its designees to determine the appropriate scope for the study.

#### **H. Investigation of Petitions**

The Technical Advisory Committee may review any Development Plan, at the Administrator's or Plan Commission's determination, prior to the Plan Commission's consideration. The Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the Development Plan, together with a recital of surrounding land use and public facilities available to service the area, or other pertinent facts. The report may also contain opinions of the Administrator concerning the proposal contained in the Development Plan and a report from members of the Technical Advisory Committee. A copy of such statement shall be made available to the Applicant and all remonstrators of record, if any.

#### **I. Development Plan Review Criteria**

Plan Commission shall review the Development Plans using the following criteria to base their findings on:

1. Compliance with all applicable development and design regulations of the zoning and any overlay zoning districts where the development is proposed.
2. Compliance with all applicable site design and improvement regulations in subchapters 152.70-89 of this Ordinance.
3. The proposed development shall be compatible with the surrounding land uses.
4. Management of traffic will be in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community such that:
  - a. The design and location of proposed street and highway access points shall minimize safety hazards and congestion.
  - b. The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
  - c. The entrances, streets and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.
5. The applicable utilities have sufficient capacity 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.

## **J. Public Notice and Hearing**

A public hearing by the Plan Commission is required for any development plan. Notification for the scheduled public hearing must be completed according to Section §152.10.F of this Ordinance. The applicant is responsible for the cost of publishing the notice in a newspaper and mailing the notices to the adjacent property owners. All public hearings regarding a Development Plan review before the Plan Commission shall be conducted in accordance with the procedures set forth in the Rules and Procedures of the Plan Commission.

## **K. Findings**

All findings specified above for the approval of a Development Plan shall be in writing and signed by the Plan Commission President and Secretary and retained as a part of the permanent record of the determination.

## **L. Conditions**

Plan Commission may impose conditions on the approval of a Development Plan if the conditions are reasonably necessary to satisfy the development requirements specified in the zoning ordinance for approval of the Development Plan.

## **M. Commitments**

An applicant may be required or allowed to make a commitment to the Plan Commission as a condition to the use or development of real estate in connection with the approval of Development Plan. Such commitments shall be provided in accordance with IC 36-7-4-1015.

## **N. Effect of Approval**

Approval of a Development Plan shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required, which may include but are not limited to approval of an Improvement Location Permit, Building Permit and a Certificate of Occupancy.

## **O. Amendments to Development Plan**

1. *Amendments to Development Plan pending determination by the Plan Commission.*

Amendments to Development Plan pending determination by the Plan Commission may be made by the applicant at any time prior to a vote being called for by the Plan Commission. 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

consideration of such amended Development Plan to the next meeting of the Plan Commission.

2. *Amendments to Approved Development Plans.*

- a. **Minor Amendments:** If the Planning Administrator determines that a change to an approved Development Plan is not a Major Amendment, then the change shall be deemed a Minor Amendment. Minor Amendments may be approved administratively without a public hearing.
- b. **Major Amendments:** If the Planning Administrator determines that a change to an approved Development Plan is a Major Amendment, then the Applicant shall be required to file a new application for an amendment to the Development Plan, which shall follow the procedures set forth in this subchapter for the initial approval of the Development Plan.

**P. Duration**

An approved Development Plan shall be valid for two (2) years from the date of the Plan Commission's approval. The Plan Commission may grant one (1) six-month extension. The petitioner shall submit the request for an extension in writing, and the Plan Commission shall make a written determination regarding the decision to extend or deny the request. If development of the project has not begun by the end of the two-year period (or by the end of the six-month extension), the approved Development Plan expires and a new application must be submitted.

**Q. Appeal of Administrator's Decision**

A decision made by Administrator on the Minor Amendment to the previously approved Development Plan may be appealed in the following way:

1. An appeal of the interpretation of a Development Standard of the applicable district shall be to the Board of Zoning Appeals; and,
2. An appeal of the interpretation of any other Development Requirement specified in this Subchapters 152.70-89 shall be to the Plan Commission; and,
3. An appeal of a determination to approve or deny a minor amendment of a Development Plan shall be to the Plan Commission.
4. All appeals shall be filed within thirty (30) days of such determination.

## 152.16 IMPROVEMENT LOCATION PERMIT

### **A. Purpose**

The purpose of this subchapter is to encourage development within the Town in such a manner as to provide for the improvement of the health, safety, convenience, and welfare of its citizens. Therefore, an Improvement Location Permit (ILP) will be required so that new areas will develop with adequate street, parking, drainage, utilities, and health consideration.

### **B. Applicability**

No improvement, development, structure or use of land may be altered, changed, placed, erected, or located on platted or un-platted lands in all zoning districts unless the improvement, development, structure or use and its location conform to the Comprehensive Plan, this Ordinance, PUD Ordinance and an Improvement Location Permit for such improvement, development, structure or use has been issued. An Improvement Location Permit is required for improvement of land and development including, but not limited to:

1. Construction of a new one-family or two-family dwelling;
2. Construction of a new building or structure; addition to or removal of a portion or complete demolition of an existing building or structure on a lot used for multi-family or non-residential purposes.
3. Remodel of a non-residential or multi-family building or structure that increases or changes its square footage and/or use.
4. Substantial alteration or removal of landscaping in areas required to be landscaped per this Ordinance, PUD, variance conditions, or approved development plan (e.g., landscape buffers, street trees, landscaping of parking areas, common areas, etc.).
5. Site work (grading, excavation, fill, infrastructure installation, etc.).
6. Subdivision development.
7. Mineral extraction.
8. Telecommunication facilities.

### **C. Exception**

The following improvements do not require an Improvement Location Permit: agricultural uses that do not involve construction of buildings; alterations, additions or demolitions of the primary or accessory structures on the residential lots used for one-family or two-family dwellings. Construction of new accessory structures and alterations, additions or demolition of all structures on a property



used for one-family or two-family dwelling shall be reviewed under Building Permit procedure prescribed in Chapter §150 of Thorntown Code of Ordinance.

#### **D. Application and Fees**

The applicant shall follow the application and fee payment requirements prescribed in subchapter §152.10. No permit shall be granted by the Administrator until all fees and fines owed by the Applicant to the Town have been paid in full. This requirement shall apply not only to fees and fines specific to the individual application, but shall also include all fees and fines owed on any permit previously issued to the Applicant.

#### **E. Submittal Materials**

In addition to the filled out application form, the applicant shall submit supporting information based on the type of the Improvement Location Permit (ILP). The Administrator in writing may waive or relax any of the documentation required which is irrelevant or unnecessary for a thorough review of the development.

1. *ILP for one-family or two-family dwelling*

**a. Site Plan.** The site plan shall be drawn to scale and include the following details:

- i. Property address.
- ii. Property owner's name.
- iii. Legal or site description of the real estate involved.
- iv. North arrow, scale, date.
- v. Property's area in square feet.
- vi. Location and dimensions of all property lines, lot lines, existing easements, floodplains, wetlands and watercourses.
- vii. Location and size of all existing and proposed buildings and structures.
- viii. Setbacks to the proposed structure(s).
- ix. Width and length of all entrances and exits to and from the subject site.
- x. All adjacent rights-of-way.
- xi. Chart, indicating proposed site development standards, including but not limited to minimum lot width, setbacks, and living floor area.

- b. **Building Elevations.** Building elevations drawn to scale shall be provided for all sides of the building. The elevations shall include all architectural details and measurements (building height, wall height per floor, house widths, window sizes, door sizes, etc.).
  - c. **Infrastructure Plan.** The plan should show the location of all easements and utilities to be installed; measurements of the driveway, driveway construction specifications; on- and off-site sidewalks, their measurements; “existing” and “proposed” grades for the structure, lot, and drainage swales, adjacent pond 100-year flood elevations; finished floor elevations of the proposed structure; all window wells and/or ingress/egress areas from the basement area including elevations; and finished floor elevations for structures on adjacent lots or the proposed pad elevations for those adjacent lots without structures.
  - d. **Landscape Plan.** A landscape plan shall be required if there are landscape standards in this Ordinance or PUD applicable to the said property. The plan should show the location of sod, location of plants, and a table that summarizes the number and type of plants.
  - e. **Anti-Monotony Form (for PUDs).** An anti-monotony form shall be required if there are anti-monotony standards in this Ordinance or PUD applicable to the said property. The form should specify the elevation plan name and the color package of a house proposed on the subject site and the same details on other properties as required by the anti-monotony regulations.
2. *ILP for multi-family dwellings and non-residential uses (including site work)*
- a. **Approved Development Plan**
  - b. **Construction Plans**
    - i. General. Construction plans shall be prepared and submitted for all required improvements to be installed by the developer. They shall include profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities.
    - ii. Scale. Construction plans shall be prepared by an engineer at a scale no smaller than one (1) inch to forty (40) feet.
    - iii. Content. The following shall be shown:
      - 1. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within 100 feet of the intersection shall be shown, plus approximate radii of all curves, lengths of tangents, and central angles on all streets.

2. The Commission may require, where steep slopes exist, that cross-sections of all proposed streets at 100 foot stations shall be shown at five points as follows: on line at right angles to the center line of the street; each property line and points 25 feet inside each property line.
3. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, setback easements, rights-of-way, manholes, and catch basins; the location of street signs; the location size, and invert elevations of existing proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water or other underground utilities or structures.
4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, flood plains, and other pertinent features within the proposed subdivision or planned unit development.
5. Topography at the same scale as the primary plat with a contour interval of two feet, referred to sea level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.
6. All specifications and references required by the local government's construction standards and specifications.
7. Title, name, address, and signature of Registered Engineer and Land Surveyor, and date.

3. *ILP for a Subdivision/PUD*

**a. Approved Detailed Development Plan**

**b. Construction Plans**

- i. General. Construction plans shall be prepared and submitted for all required improvements to be installed by the subdivider. They shall include profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities.
- ii. Scale. Construction plans shall be prepared by an engineer at a scale no smaller than one (1) inch to forty (40) feet.

- iii. Content. The following shall be shown:
1. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within 100 feet of the intersection shall be shown, plus approximate radii of all curves, lengths of tangents, and central angles on all streets.
  2. The Commission may require, where steep slopes exist, that cross-sections of all proposed streets at 100 foot stations shall be shown at five points as follows: on line at right angles to the center line of the street; each property line and points 25 feet inside each property line.
  3. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, setback easements, rights-of-way, manholes, and catch basins; the location of street signs; the location size, and invert elevations of existing proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water or other underground utilities or structures.
  4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, flood plains, and other pertinent features within the proposed subdivision or planned unit development.
  5. Topography at the same scale as the primary plat with a contour interval of two feet, referred to sea level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.
  6. All specifications and references required by the local government's construction standards and specifications, including a site-grading plan for the entire subdivision.
  7. Title, name, address, and signature of Registered Engineer and Land Surveyor, and date.

#### **F. Application Decision**

The Planning Administrator or their designee shall approve or deny the application. The Technical Advisory Committee may review Improvement Location Permit for multi-family, non-residential and subdivision developments, at the Administrator's or Plan Commission's determination.

If the Planning Administrator denies the application, they shall provide the petitioner with the reasons for the denial in writing.

Approval of the Improvement Location Permit may not happen until the approvals on related variance(s) and development plan applications happened.

#### **G. Street Frontage Requirement**

No permit shall be issued for any use or structure unless the lot abuts upon and has adequate frontage on a public street (the right-of-way of which has been dedicated and accepted for maintenance by governmental agency having jurisdiction thereof, or the construction of which is bonded in accordance with the standards and requirements of the applicable municipal agency having jurisdiction thereof) in accordance with the requirements of all applicable ordinances, except as otherwise specifically authorized in zoning districts permitting private drives or interior access roads or by variance.

#### **H. Duration**

The work or use authorized by the ILP shall start within six (6) months of the date of issuance; otherwise the ILP shall lapse and become null and void. All work authorized by any ILP shall be completed within 24 months from the date of issuance, unless an extension is granted by the Planning Administrator.

Two (2) extensions of up to three (3) months may be authorized by the Planning Administrator for reason/cause. All other extensions may be reviewed and granted by the Board of Zoning Appeals. A written request for an extension and a construction schedule shall be submitted to the Planning Administrator.

#### **I. Surety Requirement**

In conjunction with the approval of an Improvement Location Permit, the petitioner shall provide financial surety for all public improvements when applicable.

#### **J. Posting of Permit**

The petitioner shall post the Improvement Location Permit on the project site in a conspicuous location.

#### **K. Inspection**

The Planning Administrator, Building Inspector and their designee(s) may inspect any structure or improvement at any reasonable time to ensure compliance with the Improvement Location Permit.

#### **L. Revocation of Permit**

Construction or development under any permit shall proceed according to the applicable ordinances, the plans filed with the permit application, and the conditions or commitments of any applicable variance, rezoning or other approval grant. If the Administrator determines that construction or development is proceeding or has proceeded in violation of such ordinances, site plan or approval grant, or that the permit was issued in violation of an ordinance or the conditions of commitments of such approval grant, the Administrator may revoke such permit. The Administrator shall send written notice of the revocation to the permit applicant.

#### **M. Appeal of Determination**

Any determination by the Administrator, Building Inspector, or their designees, concerning the issuance of an Improvement Location Permit may be appealed to the Board of Zoning Appeals by any party claiming to be adversely affected by that decision.

#### **N. Amendment to Improvement Location Permit**

When an applicant proposes that the construction of building, structure, or improvement deviate from the plans filed with the Improvement Location Permit application and approved by the Administrator, the applicant shall make application for an amended Improvement Location Permit. The Administrator shall review the application for the amended Improvement Location Permit in accordance with the procedures set forth above. If such amended Improvement Location Permit application is found to be in compliance, the Administrator shall issue an amended Improvement Location Permit. Any determination by the Administrator with respect to an amended Improvement Location Permit shall be subject to the same appeal rights and procedures as set forth above for an initial application for an Improvement Location Permit.