

ORDINANCE NO. 77- ~~77~~

AN ORDINANCE AMENDING THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY, ORDINANCE NO. 65-200, BY AMENDING CHAPTER 5 CONCERNING PLANNED DEVELOPMENTS.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY AS FOLLOWS:

Section 1: That Chapter 2 of Ordinance No. 65-200, being the Unified Zoning Ordinance of Tippecanoe County, BE, AND IT HEREBY IS, AMENDED by adding thereto Paragraph (17) which reads as follows:

"(17) Planned Development Districts, designated P.D. R, C, I, L, and E, are established for the purposes and under the conditions set forth in Chapter 5 hereof."

Section 2: That Chapter 3 of Ordinance No. 65-200, being the Unified Zoning Ordinance of Tippecanoe County, BE, AND IT HEREBY IS, AMENDED by deleting from Section 3.1 "Primary Uses, Residential Development".

Section 3: That Chapter 5 of Ordinance No. 65-200, being the Unified Zoning Ordinance of Tippecanoe County, BE, AND IT HEREBY IS, AMENDED to read as follows:

Chapter 5 - PD - PLANNED DEVELOPMENT DISTRICTS

5.1 Intent of Districts

The purposes of these regulations are to provide greater design flexibility in the development of land when consistent with the Comprehensive Development Plan and intent of the Unified Zoning Ordinance. The use of Planned Development Zoning Classifications shall be encouraged when the use of such regulations promotes a harmonious variety of uses, and/or provides for an economy of shared services and facilities, and/or are compatible with surrounding areas and/or foster the creation of attractive, healthful, efficient and stable environments for living, shopping or working.

The Planned Development regulations and procedures may apply to the development of presently open or vacant lands, and may apply to parcels of relatively small size as well as large-scale development, depending upon the nature of the proposed use and improvements and their relationship with other surrounding uses and the overall characteristic of the area in which located.

Planned Development regulations are intended to encourage innovations in land development techniques so that the growing demands of the community may be met with greater flexibility and variety in type, design and layout of sites and buildings and by the conservation and more efficient use of open spaces and other amenities generally enhancing the quality of life.

Planned Development projects should also encourage a more efficient use of land which reflects the changes in the technology of land development so that resulting economies may accrue to the benefit of the community at large.

5.2 Classifications of Planned Development

Upon preliminary review of a Planned Development proposal by the Executive Director as provided by this Ordinance, such proposal shall be identified by the general character of dominant use of the development. Such proposals shall be classified by the following designations:

(a) "PD-R - Planned Development - Residential

Any development consisting of not less than three (3) acres in which more than 80 percent of the interior floor area of all buildings to be included in the development are used for residential purposes or those accessory purposes customarily related to residential use.

(b) "PD-C - Planned Development - Commercial

Any development consisting of not less than four (4) acres in which all of the interior floor area of all buildings to be included in the development is to be used for commercial purposes.

(c) "PD-I - Planned Development - Industrial

Any development consisting of not less than five (5) acres in which more than 80 percent of the interior floor area of all buildings to be included in the development are used for industrial or manufacturing purposes or such accessory uses customarily relating to industrial uses with the balance of such interior floor areas, if any, being intended for such commercial uses as reasonably relate to the support or con-

venience of the intended industrial uses or their occupants.

(d) "PD-L - Planned Development - Leisure

Any development consisting of not less than five (5) acres in which the principal activity, whether conducted within or outside of a building or other structures, relates to recreation, amusement, the exhibition of sports events, the conduct of games and athletics, or the provision of open space for any passive or active endeavor. In these districts, such commercial structures or uses as reasonably relate to the principal activity of the development shall also be permitted.

(e) "PD-E" - Planned Development - Extraordinary

A development not otherwise distinguishable under any previous classification, consisting of not less than one (1) acre of land area, and containing less than the stated minimum proportions of any single dominant use or function, and in which the proposed uses of interior and exterior spaces require unusual design flexibility to achieve a completely logical and complementary conjunction of uses and functions.

5.3 Origination of Proposals

Any person, corporation, partnership or association having an ownership interest in a proposed development, or any group of owners united in interest, acting jointly, and in pursuance to an agreement to carry out the proposal in separate ownership may propose a Planned Development District in accordance with the procedures hereinafter established, where such individual owner or group of owners in making such proposal intends to act as developer or sponsor of the development if the zoning change is adopted and indicates the requisite capabilities to carry out

such proposal. A parcel, or site proposed for Planned Development need not be under single ownership where the proposed development consists of a group of structures or improvements capable of being developed separately but in accordance with a single, unitary plan, and in which the separate owners have given their expressed intentions to enter into such private agreements between or among themselves as will facilitate their mutual enterprise, and assure its completion as planned to the satisfaction of the Commission.

5.4 Filing Procedure

- (a) The authorization of a Planned Development shall be subject to the procedures expressed herein:
- (b) Submit as a petition to rezone.
- (c) The petition, which shall include a preliminary plan and plat for any area proposed for development as a Planned Development shall be filed with the Area Plan Commission. The preliminary plan and plat shall include:
 - (1) Proposed layout of streets, open space and other basic elements of the plan.
 - (2) General identification of location and types of structures and their use categories within the area, including proposed densities of said uses.
 - (3) Proposals for handling traffic, parking, sewage disposal, drainage, tree preservation and removal, lighting, signage and other pertinent development features.
 - (4) A separate location map to scale shall show the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well

as the adjacent land.

- (5) A general statement of the covenants to be made a part of the Planned Development as well as the order and estimated time of development.
- (6) A statement of the proposed order of development of the major elements of the project, including whether the development will be in phases, and, if so, the order and content of each phase.
- (d) The preliminary plan shall be presented in triplicate and to a scale ratio not to exceed 100' = 1". The preliminary plan may include any additional graphics which will explain the features of the development. It shall also be provided to the appropriate check-point agencies for their review and comment. These checkpoints are as follows:

Tippecanoe County

County Highway Engineer
County Surveyor
Tippecanoe Soil and Water
Conservation District
County Health Department
Parks and Recreation Dept.
Tippecanoe School District
Township Fire Department
County Sheriff Department
City of Lafayette

City Engineer
Board of Health
Police Dept., Traffic Div.
Fire Chief
Parks and Recreation
Tippecanoe Soil and Water
Conservation District
Lafayette School Corp.

City of West Lafayette

City Engineer
Board of Health
Parks and Recreation
Fire Chief
Police Dept, Traffic Div.
Tippecanoe Soil and Water
Conservation Districe
W. Lafayette School Corp.
W. Lafayette Environmental
Commission
W. Lafayette Community
Development Commission

Other Incorporated Towns

Town Board
County Health Department
Tippecanoe School Corporation
Local Fire Department
Town Marshall

- (e) Within twenty-five (25) days after filing, the Executive Director of the Area Plan Commission or his representative shall consult with the petitioner regarding the petition and checkpoint agency comments. After such consultation

the petitioner may make modifications to the petition.

- (f) After consultation with the Executive Director and after making any modifications to the proposed preliminary plans, the Petitioner shall file in triplicate a "Final Proposed Preliminary Plan" which shall:
- (1) Include all documents included in the preliminary plan.
 - (2) Include an index identifying all documents included in the preliminary plan.
 - (3) Include a cover sheet indicating that it is the Final Proposal Preliminary Plan and indicating the date and case number.
 - (4) Be bound or stapled together and all documents therein reduced to a size no larger than 8½ X 14 inches except for the maps and sketches.

5.5 Preliminary Plan Hearing

- (a) The petition, if and as modified, shall then be heard by the Area Plan Commission as a petition for zoning ordinance amendment and subject to the procedures applicable thereto. The Commission may recommend approval, amendment, or disapproval of the plan and may impose any reasonable condition with its recommendation. If approval is recommended, the preliminary plan shall be stamped "Approved Preliminary Planned Development" and be signed by the President and Secretary of the Commission and one copy shall be permanently retained in the office of the Commission.
- (b) The approved Preliminary Planned Development shall then be certified to the appropriate legislative body for

adoption as a Planned Development District pursuant to the laws governing adoption of zoning ordinances. Upon adoption by the legislative body, the applicant shall prepare his detailed plan.

5.6 Approval of Detailed Plan

- (a) Before any development takes place, the legislative body shall review for conformance to the approved preliminary plan a detailed plan specifying the location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreational facilities, site perimeter treatment and other pertinent site development features including general locations of proposed buildings. Such approval shall be in the form of a resolution by the legislative body finding only that the detailed plan is consistent with the approved Preliminary Planned Development.
- (b) The approved detailed plan shall be stamped "Approved Detailed Planned Development" and be signed by the Clerk with one copy sent to and permanently retained in the office of the Area Plan Commission and one copy shall be sent to the Administrative Officer.
- (c) Approval, unless extended of the first phase of the detailed plan shall be obtained within two (2) years and approval of the balance of the detailed plan shall be obtained within five (5) years after adoption of the Planned Development District by the legislative body.
- (d) In the exercise of continuing jurisdiction, the Administrative Officer may from time to time approve only minor modifications of the approved Detailed Planned Development in a manner consistent with the approved

Preliminary Planned Development. Such modifications shall not include any increase in density, any lessening of aesthetic treatments, any alteration of frontage or general building location, any change in type of use, or any change in access points.

- (e) In the event that approval of a detailed plan is not timely obtained, the Commission may initiate an amendment of the zoning ordinance relating to said land or the legislative body may request such action.
- (f) The Approved Preliminary Plan may provide for development of the property involved in phases. If such phasing is included as a part of the approval of the preliminary plan, the petitioner may submit partial detailed plans which correspond to the phases involved. Such partial detailed plans, when approved, shall be treated in the same manner as approved detailed plans for an entire Planned Development.
- (g) Approval, unless extended, shall expire after a period of five (5) years from the approved phasing of the preliminary plan unless the development is 50 Percent (50%) completed in terms of public improvements including streets, parks, walkways, utility installations and sanitary sewers. Determination of the amount of completion shall be made by the Administrative Officer.

5.7 Covenants and Maintenance

- (a) Covenants, when required by the Commission shall be set forth in detail and shall provide for a provision for the release of such restriction by execution of a document so stating and suitable for recording signed by the

Commission President and Secretary upon authorization by the Commission and all of the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the Commission and shall be specifically enforceable by the Commission.

- (b) The Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioners shall then submit for approval by the Commission a modified detailed plan for such land, otherwise consistent with the approved Preliminary Planned Development.
- (c) The Commission may require based upon the approved plan for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Planned Development. Such development standards may include, but are not limited to, requirements as to the following:
- (1) Lot area.
 - (2) Floor area.
 - (3) Ratios of floor space to land space.
 - (4) Area in which structures may be built. ("Buildable area")

- (5) Open space.
 - (6) Setback lines and minimum rear yards.
 - (7) Building separations.
 - (8) Height of structures.
 - (9) Signs.
 - (10) Off-street parking and loading space
 - (11) Design standards.
 - (12) Phasing of development.
- (d) The petitioner shall be required to provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Unified Subdivision Control Ordinance of Tippecanoe County, Indiana.
- (e) Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Planned Development, and, in such instance legal assurances shall be provided which show that the private organization is self-perpetuating.
- (f) Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.
- (g) All private streets shall be maintained by the aforementioned private organization in such a manner that adequate access is provided at all times to vehicular

traffic so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

5.8 Recording

All approved Detailed Planned Developmental Plans and Plats and modifications thereof shall be recorded in the office of the Tippecanoe County Recorder within two (2) years after approval, but before any development takes place.

5.9 Permit

An improvement location permit shall be issued for a Planned Development District upon full compliance to the approved Detailed Planned Development.

5.10 Construction

- (a) No construction or installation work shall be done on any public improvements until satisfactory plans and specifications thereof (as required by Section 6.1 of the Subdivision Control Ordinance of Tippecanoe County, Indiana) have been submitted to the Executive Director and the petitioner has, at least twenty-four (24) hours in advance, notified the appropriate Governmental Engineer of his intention to begin such work, in order that inspections may be made as the work progresses.
- (b) All development shall be in conformity with the approved Detailed Planned Development and any material deviations from the approved Detailed Planned Development shall be subject to appropriate enforcement action as provided for in the Unified Zoning Ordinance of

Tippecanoe County.

5.11 Extensions, Abandonment, Expiration

- (a) Extensions of the time for accomplishing any matters set forth herein may be granted by the Administrative Officer for good cause shown. In the event the Administrative Officer disallows a requested extension, the petitioner may appeal said determination to the Commission who shall make a recommendation to the appropriate governmental unit.
- (b) Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Detailed Planned Development for twenty-four (24) consecutive months), or upon the expiration of five (5) years from the approval of a Detailed Planned Development for a development which has not been completed, an amendment may be initiated as provided by law to the zoning ordinance so that the land will be zoned into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which it deems appropriate. If an extension is granted such extension shall be recorded.

5.12 Rules of Procedure

All proceedings brought under this section shall be subject to the Rules of Procedure of the Area Plan Commission, where not inconsistent with the procedure otherwise stated herein.

5.13 Limitation on Rezoning

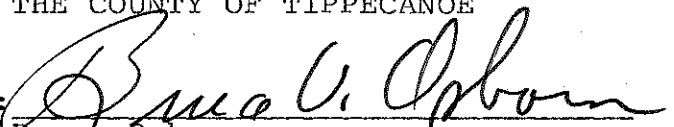
The Commission shall not initiate any amendments to the zoning ordinance concerning the property involved in a Planned Develop-

ment before completion of the development as long as development is in conformity with the approved Detailed Planned Development and proceeding is in accordance with the time requirements imposed herein.

Be it enacted at Lafayette, Indiana, this 28th day of March, 1977.

THE BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

BY:


Bruce Osborn


Robert F. Fields


William Vanderveen

Attest
John C. M. Cook
auditor