

**THE AREA PLAN COMMISSION  
OF ST. JOSEPH COUNTY, IN**

**AGENDA**

Tuesday, July 21, 2015  
3:30 p.m.

Fourth-Floor Council Chambers  
County-City Building, South Bend, IN

**PUBLIC HEARINGS:**

1. Rezoning:

- A. A combined public hearing on a proposed ordinance of Trent Runyon & Leah Hudson-Runyon to zone from MF1 Urban Corridor Multifamily District to SF2 Single Family & Two Family District, and seeking a Special Exception Use to allow for an accessory dwelling unit, property located at 803 West Washington Street, City of South Bend - [APC# 2743-15](#). REQUEST TO TABLE
- B. A combined public hearing on a proposed ordinance of Mishawaka Federal Bank (a.k.a. Mutual Bank) to zone from LB Local Business District to CB Community Business District and seeking the following five variances: 1) from the required perimeter and residential bufferyard landscaping to the existing landscaping, as shown on the site plan; 2) from the required 30' front yard setback for off-premise signs to 5' along Ireland Road and to 14' along High Street; 3) from the required 200' linear separation between an off-premise sign and a residential district to 0'; 4) from the required 100' radial separation between an off-premise sign and a residential district to 55'; and 5) from the required maximum 2 displays per off-premise sign surface to a maximum of 11 displays, property located at 742 East Ireland Road, City of South Bend - [APC# 2744-15](#). REQUEST TO TABLE
- C. An ordinance initiated by the Area Plan Commission, amending and supplementing Chapter 21: Zoning Ordinance of the City of South Bend municipal code, as amended, repealing and replacing Article 5, Planned Unit Development Districts - [APC# 2745-15](#).
- D. An ordinance initiated by the Area Plan Commission amending Title XV, Land Usage of the St. Joseph County Code by repealing and replacing Sections 154.225 through 154.231 Planned Unit Development District. - [APC# 2746-15](#).

**ITEMS NOT REQUIRING A PUBLIC HEARING**

1. Miscellaneous:

- A. A Resolution of the Area Plan Commission of St. Joseph County, Indiana, establishing filing fees for subdivisions, rezoning petitions, final site plans and other review items in the unincorporated areas of St. Joseph County, the City of South Bend and participating Towns, all participating members of the Area Plan Commission of St. Joseph County, Indiana to defray the cost of processing these items - [APC# R242-15](#).

- 2. Executive Director's Report:
- 3. Minutes and Expenditures:
- 4. Adjournment:

**Staff Report**

6/4/2015

APC # 2743-15  
Owner: Trent Runyon & Leah Hudson-Runyon  
Location: 803 West Washington Street  
Jurisdiction: City of South Bend  
Public Hearing Date: 6/16/2015

**Requested Action:**

The petitioner is requesting a zone change from MF1 Urban Corridor Multifamily District to SF2 Single Family & Two Family District, and seeking a Special Exception Use to allow for an accessory dwelling unit.

**Land Uses and Zoning:**

- On site: On site is a home and a detached carriage house.
- North: To the north are single family homes zoned SF2 Single Family & Two Family District.
- East: To the east across MLK Boulevard are single family homes zoned SF2 Single Family & Two Family District.
- South: To the south across Washington Street is the Oliver Mansion and the History Museum zoned O Office District.
- West: To the west is an insurance office zoned OB Office Buffer District.

**District Uses and Development Standards:**

The SF2 District is established to protect, promote and maintain the development of single family dwellings and two family dwellings in the urban core of the City of South Bend as well as to provide for limited public and institutional uses that are compatible with an urban residential neighborhood. The availability of public facilities (e.g., public water, public sanitary sewer, storm sewer, natural gas, electricity, telephone, etc.) is required for development within this district.

**Site Plan Description:**

This 0.38 acre lot has a 6,000 square foot 3-story single family home. A 2,200 square foot 2-story detached carriage house on the north side of the lot will be used as an accessory dwelling unit.

**Zoning and Land Use History And Trends:**

The West Washington-Chapin Neighborhood has developed primarily as a residential area. Many of the historic homes have been renovated and are single family owner-occupied. Several business offices can be found throughout the area and have developed in a manner that has relatively low impact on the surrounding residential uses.

**Traffic and Transportation Considerations:**

Washington Street and MLK Boulevard have two lanes.

**Utilities:**

This site is served by municipal utilities.

**Agency Comments:**

County Surveyor recommends approval. City Engineer recommends approval, but notes that further discussion is required regarding curb cuts. Historic Preservation Commission and Indiana Landmarks recommend approval.

**Commitments:**

The petitioner is not proposing any written commitments.

**Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:**

**1. Comprehensive Plan:**

**Policy Plan:**

This petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006). Objective UD 2.1: Provide incentives to preserve historic buildings in the city; H 2.1: Provide incentives to renovate and repair older and historic homes; and H 8: Promote homeownership within the city limits.

**Land Use Plan:**

The future land use map identifies this area as residential and mixed-use.

**Plan Implementation/Other Plans:**

The West Washington-Chapin Development Area Plan suggests the rehabilitation of existing housing. The Near Westside Neighborhood Development Plan promotes homeownership in the area.

**2. Current Conditions and Character:**

This area has developed as residential, with some low-impact commercial uses.

**3. Most Desirable Use:**

The most desirable use is one that will best preserve and maintain the residential character of the building and of the neighborhood.

**4. Conservation of Property Values:**

Allowing a less-intense use on this site will not adversely affect surrounding property values.

**5. Responsible Development And Growth:**

It is responsible growth and development to allow this property to be used in a manner which will best preserve and restore its character. It is also responsible to promote single family homeownership.

**Staff Comments:**

The home, known as the Kizer House, was built in 1885 for William Kizer, and is a registered historical landmark. The site was divided into a multifamily structure in the 1940s, but was recently converted back to a single family home by Indiana Landmarks. As a condition of its purchase, the petitioner is required to rehabilitate this home in a manner approved by Indiana Landmarks.

This is a combined public hearing procedure, which includes a rezoning and a Special

Exception Use. The Commission will forward the rezoning and the Special Exception Use to the Common Council with or without a recommendation.

The Special Exception Use is for an accessory dwelling unit.

A Special Exception Use may only be granted upon making a written determination and adopting appropriate Findings of Fact, based upon the evidence presented at the public hearing, that:

- (1) The proposed use will not be injurious to the public health, safety, community moral standards, convenience, or general welfare. Converting from a several units to a maximum of two units will decrease site usage and impact on the neighborhood.
- (2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein. The renovation of this historic landmark will not adversely affect surrounding property values.
- (3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein. The property is bordered by other single family homes to the north and east.
- (4) The proposed use is compatible with the recommendations of the Comprehensive Plan. The Comprehensive Plan promotes homeownership within city limits.

**Recommendation:**

Based on information available prior to the public hearing, the staff recommends that the rezoning petition and the Special Exception Use be sent to the Common Council with a favorable recommendation.

**Analysis:**

Rezoning to SF2 Single Family & Two Family District will allow this property to be used as it was originally intended and will allow it to be renovated into a useable condition. Approval of the Special Exception Use will allow the existing carriage house to be utilized in a fashion that is compatible with surrounding uses, and consistent with its intent.

REZONING  
#2743-15



Co fax

LaPorte

Dr. Martin Luther King Jr.

Washington

Chapin

Garfield

1 inch = 100 feet  
PORTAGE TOWNSHIP

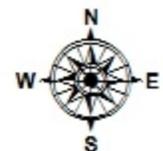




**Rezoning from:  
 "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT to  
 "SF2" SINGLE FAMILY & TWO FAMILY DISTRICT**

**MASTER ZONING KEY**

- SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT
- SOUTH BEND "OB" OFFICE BUFFER DISTRICT
- SOUTH BEND "MU" MIXED USE DISTRICT
- SOUTH BEND "O" OFFICE DISTRICT



1 inch = 100 feet

**APC # 2743-15**

**Staff Report**

7/10/2015

APC # 2744-15  
Owner: Mishawaka Federal Bank (a.k.a. Mutual Bank)  
Location: 742 East Ireland Road  
Jurisdiction: City of South Bend  
Public Hearing Date: 7/21/2015

**Requested Action:**

The petitioner is requesting a zone change from LB Local Business District to CB Community Business District and seeking 5 variances.

**Land Uses and Zoning:**

- On site: On site is a bank with a walk-in lobby and drive-through access.
- North: To the north across Ireland Road is a golf course zoned SF1 Single Family & Two Family District.
- East: To the east across High Street is a vacant fitness center building zoned CB Community Business District.
- South: To the south across Hawbaker Street are single family homes zoned SF1 Single Family & Two Family District, and a multi-tenant shopping plaza zoned CB Community Business District.
- West: To the west is a dental clinic zoned OB Office Buffer District.

**District Uses and Development Standards:**

The CB - Community Business District is established to provide a location for high volume and high intensity commercial uses. Activities in this district are often large space users which may include limited amounts of outdoor sales or outdoor operations. Developments within the CB District shall be coordinated to facilitate vehicular and pedestrian access from nearby residential districts.

**Site Plan Description:**

This 0.81 acre site contains an existing bank with two access points on High Street. No modifications are proposed to the existing bank structure. A new off-premise sign is proposed at the northeast corner of the site which will advertise businesses in the adjacent shopping plaza. The new off-premise sign would be approximately 28' in height with 196 square feet of display area.

**Zoning and Land Use History And Trends:**

The southwest corner of Miami and Ireland Roads has developed as a commercial node. A multitude of retail, service, and dining options are available to serve area residents. Less intense office-buffer uses have developed along the edges of the node, effectively establishing its borders and proving a tapered transition from commercial to residential uses.

**Traffic and Transportation Considerations:**

High Street has two northbound lanes and one southbound lane. Ireland Road has four lanes. A right-of-way expansion is proposed by City Engineering along the south side of Ireland Road to allow for a right-turn deceleration lane for eastbound traffic entering High

Street. The proposed right-of-way expansion project would include the removal of the existing non-conforming off-premise sign for the shopping plaza.

**Utilities:**

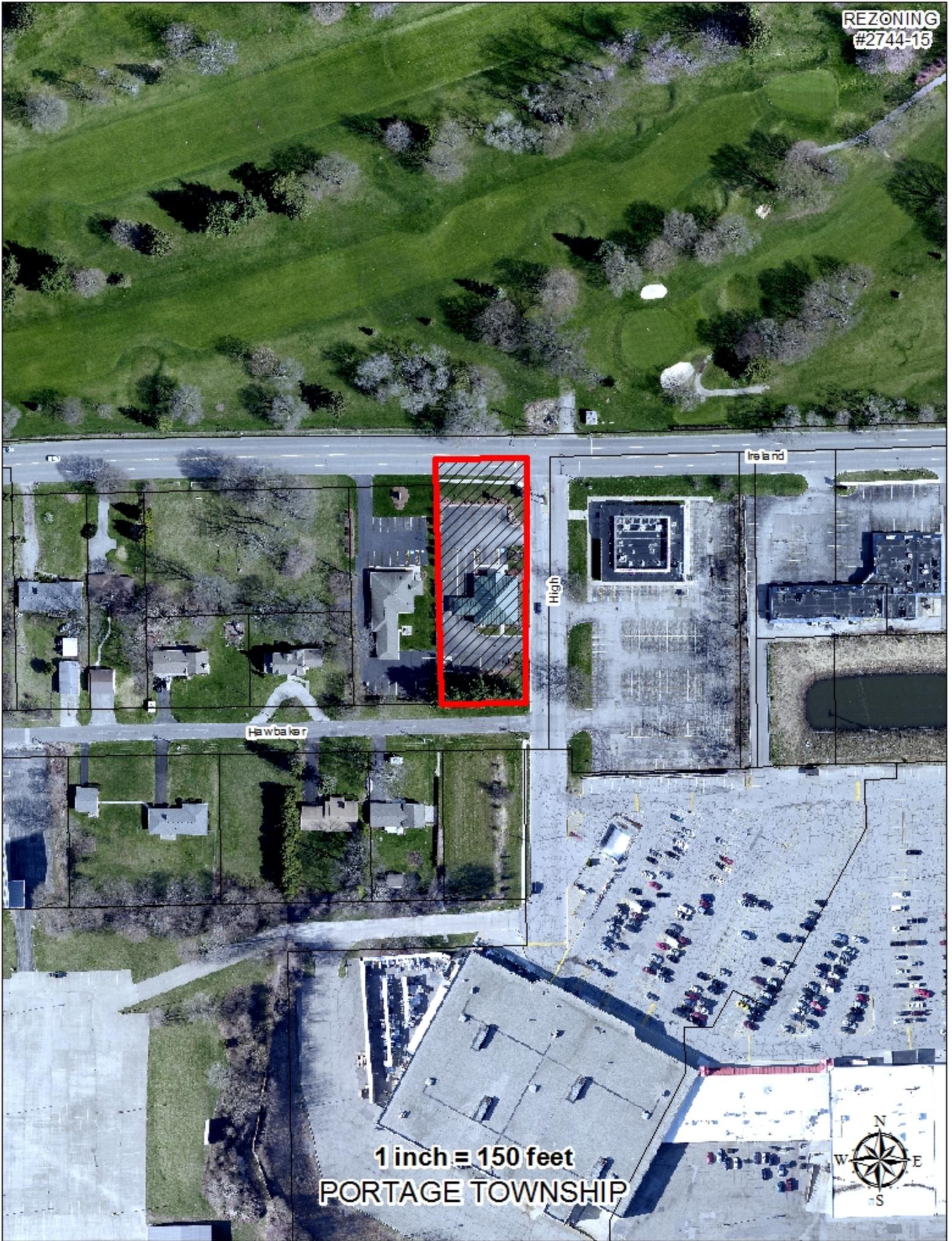
This site is served by municipal sewer and water.

**Agency Comments:**

County Surveyor and City Engineer recommend approval.

**Staff Comments:**

The petitioner has requested this petition be tabled until the August 18, 2015 Plan Commission Meeting.



1 inch = 150 feet  
PORTAGE TOWNSHIP

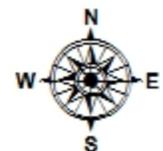




**Rezoning from:  
"LB" LOCAL BUSINESS DISTRICT to  
"CB" COMMUNITY BUSINESS DISTRICT**

**MASTER ZONING KEY**

- SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT
- SOUTH BEND "OB" OFFICE BUFFER DISTRICT
- SOUTH BEND "LB" LOCAL BUSINESS DISTRICT
- SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT



1 inch = 150 feet

**APC # 2744-15**

**Staff Report**

7/9/2015

APC # 2745-15  
Owner: APC Initiated  
Location: Text Amendment - City PUD  
Jurisdiction: City of South Bend  
Public Hearing Date: 7/21/2015

**Requested Action:**

The requested action is a text amendment initiated by the Area Plan Commission, amending and supplementing Chapter 21: Zoning Ordinance of the City of South Bend municipal code, as amended, repealing and replacing Article 5, Planned Unit Development Districts.

**Staff Comments:**

The South Bend Zoning Ordinance has been in place since 2004. The proposed ordinance includes the following changes:

- 1) The language in the INTENT section has been simplified and strengthened;
- 2) Removed the Area Requirement;
- 3) Added a requirement that the Concept Plan be filed at least two weeks prior to the filing of a PUD District ordinance;
- 4) Re-structured submittal requirements for the Concept Plan, Preliminary Plan and Secondary Approval;
- 5) Preliminary Plan now has two components:
  - i. The Ordinance which provides all of the development standards formatted as a "report"; and
  - ii. A site plan;
- 6) Secondary Approvals will be recorded; and
- 7) Simplified the language where possible.

The following revisions have been made since the Ordinance was filed:

- 1) Section (c) (12) Recording was deleted; and
- 2) Section (c) (13) was renumbered to (c) (12) accordingly.

**Recommendation:**

Based on information available prior to the public hearing, the staff recommends the text amendment be sent to the Common Council with a favorable recommendation.

**Analysis:**

Updating the Planned Unit Development District will continue to allow for creative and unique development while reinforcing the intent, establishing a framework for the process, and modernizing the language contained within.

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,  
AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, AS AMENDED, BY  
REPEALING AND REPLACING ARTICLE 5, PLANNED UNIT DEVELOPMENT DISTRICTS**

**STATEMENT OF PURPOSE AND INTENT**

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance for the City of South Bend that went into effect on May 7, 2004. The zoning ordinance allows for Planned Unit Developments. As market conditions and development structure has changed, a need was created to update the Planned Unit Development District in order to create more sustainable developments.

Now, therefore, be it ordained by the Common Council of the City of South Bend, Indiana, as follows:

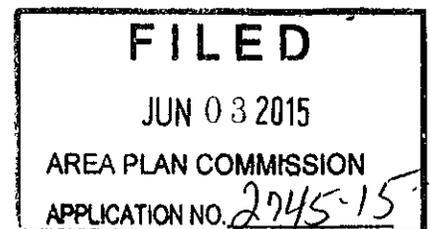
**Section I.** Chapter 21, Zoning, of the South Bend Municipal Code, be amended by repealing and replacing Article 5, Planned Unit Development District as follows:

**PLANNED UNIT DEVELOPMENT DISTRICT.**

(a) INTENT.

- (1) The Planned Unit Development (PUD) District is intended to:
  - (A) Establish a compatible and efficient mix of land uses and open space;
  - (B) Ensure compatibility with the Comprehensive Plan, surrounding developments and future development needs;
  - (C) Establish a creative approach in building design through architectural compatibility with adjacent buildings, general neighborhood design or by creating a unique style;
  - (D) Achieve flexibility and provide incentives for development that will sustain a wider range of choice in satisfying the changing needs of the community; and
  - (E) Provide for any individual land or a combination of land uses not otherwise specified elsewhere in this Ordinance.
- (2) The PUD District is not intended for the development of residential subdivisions, Permitted Uses, or Special Exception Uses which are provided for within any district of this Ordinance.
- (3) The PUD District is not intended for developments seeking relief from development standards within a district in which the use is permitted.

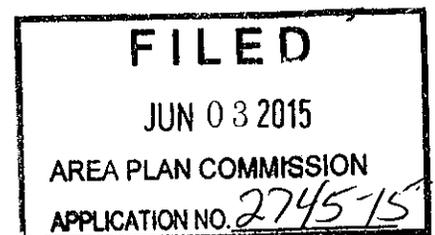
(b) PERMITTED USES AND DEVELOPMENT STANDARDS.



- (1) Permitted Uses.
  - (A) Primary uses in the PUD District shall be any use or range of uses specified in the PUD District Ordinance establishing such District.
  - (B) Accessory uses, home occupations or temporary uses, unless otherwise specified in the PUD District, shall be permitted in a manner customarily associated with the primary use specified in the PUD District Ordinance.
- (2) Development Standards.
  - (A) The PUD District shall specify development standards applicable to each permitted use in the PUD District and, at a minimum, shall adopt or include a variation of each development standard that is applicable to each such use in the district in which each such use is first permitted.
  - (B) In any case in which an applicable development standard has not been specified in the petition for zone map change to the PUD District, the development standard shall be that which is specified in the district in which the use is first permitted.

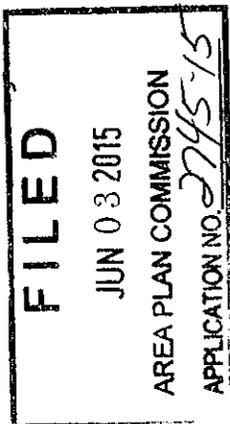
(c) PROCEDURE FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT.

- (1) General.
  - (A) The complete review and approval process for a PUD consists of three (3) components:
    - i. Submittal of a Concept Plan per §21-05 (c) (2) Concept Plan;
    - ii. Submittal of a Petition for zone map change per §21-05 (c) (3) Petition for Zone Map Change to PUD District; and,
    - iii. Submittal for Secondary Approval per §21-05 (c) (7) Secondary Approval.
  - (B) A petitioner may elect to proceed with Preliminary Plan approval and Secondary Approval separately, or may elect to combine them for joint approval as set forth in §154.227 (c) (5) (B), below.
  - (C) If filed separately, the procedure for filing for approval of a zone map change shall be the same as that required for any other petition for zone map change before the Area Plan Commission, except as otherwise provided for in this chapter.
- (2) Concept Plan.
  - (A) The filing of a Concept Plan is required. The review of the Concept Plan by the Staff will create an understanding between the Staff and the developer which may help to alleviate future misunderstandings and extensive revisions.



- (B) The petitioner shall submit a Concept Plan a minimum of ten (10) business days prior to filing a petition for zone map change to the PUD District, which shall include the following:
  - i. A statement demonstrating how the proposed PUD meets the intent of §21-05 (a) Intent;
  - ii. Proposed locations and types of uses within the area proposed;
  - iii. Preliminary layout of streets, open space, and other elements basic to the proposal in relationship to existing site conditions and adjacent properties;
- (C) Staff shall review the proposed Concept Plan taking into consideration the following:
  - i. That the proposed PUD District meets the requirements of §21-05 (a) Intent;
  - ii. Protection and enhancement of the natural and environmentally sensitive features on the site, including, but not limited to topography, wooded areas, water features, wetlands, floodways, floodplains and regulated drains;
  - iii. Development of common areas, open space or recreational areas (passive or active) accessible to the residents or users of the PUD by way of sidewalks, footpaths or combined walkways/bikeways;
  - iv. Building designs which achieve added value to the community; and,
  - v. Relationship to surrounding properties.
- (D) The Staff shall notify the petitioner of any comments related to the submitted Concept Plan within ten (10) business days of the submittal. Upon receipt of the Staff comments, the petitioner may modify the Concept Plan and resubmit a revised Concept Plan for additional review by Staff or file a petition for zone map change as set forth per § 21-05 (c) (3) Petition for Zone Map Change to PUD District.
- (E) Neither the Staff's review of the Concept Plan submitted for review nor Staff's comments to the petitioner shall be considered a denial, approval or decision concerning the proposed PUD District.

(3) Petition for Zone Map Change to PUD District.



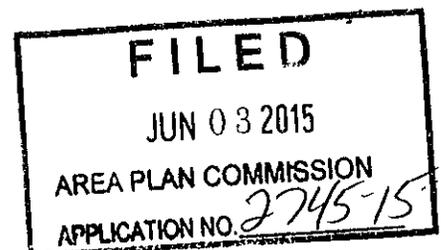
- (A) A request for a zone map change to a PUD District shall contain the following:
  - i. All documentation and requirements as regulated by §21-09.05 (e) (2) Zone Map Amendments;
  - ii. A Preliminary Plan that satisfies the requirements below, and shall specify in either General Terms or Detailed Terms the permitted uses and development standards that will apply to the PUD District:
    - a. Detailed Terms. A Preliminary Plan which includes a detailed description of all development requirements that apply to the proposed PUD District

on any of the site plans, building elevations, landscape plans, sign plans, or any other plan required by this Ordinance in sufficient detail to fulfill the requirements for the issuance of an Improvement Location Permit;

- b. General Terms. A Preliminary Plan which do not comply with the requirements above for Detailed Terms shall be deemed to have expressed the development requirements that apply to the proposed PUD in General Terms only and shall require Secondary Approval, as set forth below, prior to the issuance of an Improvement Location Permit.

(B) Preliminary Plan. A Preliminary Plan shall consist of the following:

- i. A PUD District Ordinance in 8 ½" x 11" format consisting of the following:
  - a. Proposed name of the PUD District;
  - b. Legal description of the proposed PUD District;
  - c. Statement on how the proposed PUD District meets the requirements of §21-05 (a) Intent;
  - d. Permitted uses, accessory uses and temporary uses by location;
  - e. Site development standards by use, such as but not limited to setbacks, densities, use of yards;
  - f. Proposals for handling traffic, general circulation and access points, sewage disposal, drainage, and other pertinent development features;
  - g. Landscaping, buffering, tree preservation and use of open space;
  - h. Lighting standards;
  - i. Signs standards;
  - j. Parking and Loading standards;
  - k. Building design standards; and
- ii. A preliminary Site Plan of the overall PUD on plan sheets not to exceed twenty-four by thirty-six (24" x 36") in size consisting of the following:
  - a. Proposed name of the PUD District
  - b. North arrow, written and graphic scale;
  - c. Boundaries of property with dimensions;
  - d. General location of proposed land uses;
  - e. Easements of record;



- f. General layout of public and private streets, open space and other basic elements of the development;
  - g. General location of all drainage and other utility features and any other pertinent development features; and
  - h. Statement regarding how the PUD will be served by water and sewer; i.e well and septic or municipal water and sewer.
- iii. Any other information requested in writing by the Executive Director or Area Plan Commission that would need to be included and/or addressed in either the PUD District Ordinance or the Site Plan.

(4) Determination by the Area Plan Commission.

In its determination of the appropriateness of the proposed PUD, the Area Plan Commission shall pay reasonable regard to the extent to which the proposal accomplishes the intent set forth in §21-05 (a) Intent, above, and provides for the protection or provision of the site features and amenities outlined above.

(5) Preliminary Plan Approval.

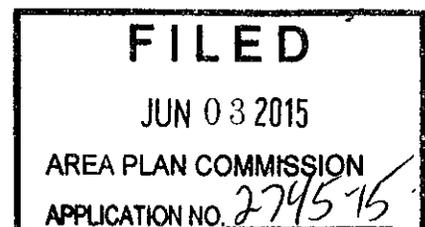
- (A) If the Preliminary Plan expresses development standards in General Terms, as described above, secondary approval as set forth in §21-05 (c) (7) Secondary Approval, shall be required.
- (B) If the Preliminary Plan expresses development standards in Detailed Terms, as described above, the Petitioner may request Secondary Approval in connection with the approval of the zone map change to the PUD District, provided that any such approval shall be conditioned upon the Council adopting the zone map change to the PUD District.

(6) Conditions.

Conditions may be imposed on the approval of a PUD District which are reasonably necessary to assure compliance with the permitted use, development standards and minimum requirements of the PUD District Ordinance.

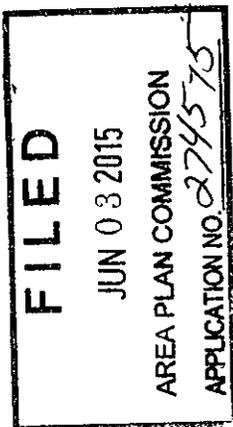
(7) Secondary Approval

- (A) Secondary Approval is required in the PUD District as a prerequisite to the issuance of an Improvement Location Permit.
- (B) The petitioner must file an application requesting Secondary Approval and submit the following:



- i. A final PUD District Ordinance which expresses the development standards in Detailed Terms addressing all of the requirements established and approved under Preliminary Plan Approval; and
  - ii. A final site plan of the overall PUD on plan sheets not to exceed twenty-four by thirty-six (24" x 36") in size, consisting of all of the requirements of §21-05 (C) (3) ii in detail, including any additional requirements approved under §21-05 (5) Preliminary Plan Approval.
  - iii. Any other information requested in writing by the Executive Director that would need to be included and/or addressed for Secondary Approval.
- (C) As part of the Secondary Approval, the following documentation may be required in order to meet the requirements for approval by the reviewing agencies.
- i. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable within two-hundred (200) feet of the real estate;
  - ii. Drainage plan;
  - iii. An erosion control plan for all areas of site disturbance.
  - iv. Topographic contour every two (2) feet superimposed upon the proposed site plan portion of the site covered by the submitted plans;
  - v. Proposed elevation of all building pads within the proposed development;
  - vi. Plans and specifications for all infrastructure improvements required or proposed in the PUD;
  - vii. Any other information specified elsewhere in this Ordinance as a prerequisite to the issuance of an improvement location permit; and
- (D) The Executive Director, during Secondary Review, shall specify any additional plan documentation or supporting information beyond that required by this subsection, which must be provided before the issuance of an Improvement Location Permit.

(8) Secondary Approval Authority.



- (A) Authority for Secondary Approval is hereby delegated to the Executive Director. The Executive Director shall have a period of not more than fifteen (15) business days in which to review the proposed Secondary Approval application and either:
- i. Render a decision of approval or denial concerning the Secondary Approval; or
  - ii. Request in writing additional information from the applicant. If additional information is requested, the Executive Director shall have an additional

period of fifteen (15) business days to review the information from the date the requested information is received.

(B) The Executive Director may seek the advice and comment of the Executive Committee of the Area Plan Commission or other government review agencies prior to Secondary Approval.

(C) Any decision of the Executive Director under this Section may be appealed by any interested party to the Area Plan Commission in accordance with the procedures of §21-05 (g) Appeals of Executive Director's Decisions, below.

(9) Proceedings/Notice.

The proceedings required for Secondary Approval shall be the same as those required by this zoning ordinance for the review and issuance of an Improvement Location Permit.

(10) Required Findings.

(A) The Area Plan Commission or Executive Director may issue Secondary Approval only upon a finding that the plans submitted for Secondary Approval satisfy the PUD District Ordinance establishing such PUD District;

(B) Secondary Approval shall be sealed with the Seal of the Area Plan Commission and retained in the office of the Area Plan Commission to be used in its continuing administration of the PUD.

(11) Surety.

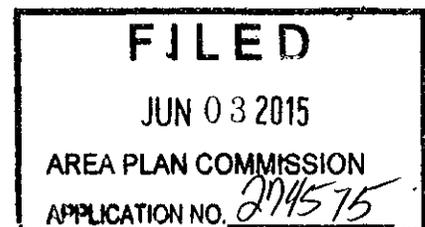
Bonds or other written assurance may be required which are reasonably necessary to guarantee the timely completion of a public improvement required by the proposed PUD District Ordinance. Such bond or other written assurance shall be satisfactory to the Executive Director, and shall run to the Board of Public Works or any other public agency that will be responsible for the construction and maintenance of the public improvement.

(12) Recording.

Secondary Approval of the PUD District Ordinance, Site Plan, and modifications thereof shall be recorded in the St. Joseph County Recorder's Office within five (5) business days of Secondary Approval.

(13) Expiration.

Secondary Approval of a PUD District Ordinance, whether submitted in its entirety or in development phases, does not expire. Upon an application for an Improvement



Location Permit for the use or development of the property, whether in its entirety or in development phases, all required improvements shall be designed and constructed with the latest standards in effect at the time.

(d) MODIFICATION OF PRELIMINARY PLAN OR SECONDARY APPROVAL

(1) Request for modification.

Request for determination of minor/major modification shall be provided in writing to the Executive Director detailing the extent of the change or changes. The Executive Director may request additional documentation that would be needed to determine whether the proposed changes qualify as Minor Modifications or Major Modifications and outlined below.

(2) Minor Modifications.

Minor modifications to a Preliminary Plan or Secondary Approval which has already received approval from the Area Plan Commission or the Executive and which do not involve:

- (A) an increase in height, area, bulk or intensity of land uses unless the Area Board of Zoning Appeals Grants a variance for height, area, or bulk;
- (B) the designation of additional land uses;
- (C) the reduction of perimeter yards unless the Area Board of Zoning Appeals grants a variance;
- (D) an encroachment into any drainage easement, regulated drain setback or floodplain; or,
- (E) the reduction in the amount of parking for any use below that which is required by Section 21-07.04 of this Ordinance unless the Area Board of Zoning Appeals grants a variance,

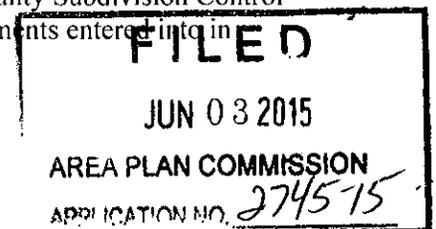
may be authorized by the Executive Director without a public hearing in its continuing administration of the PUD if, in the determination of the Executive Director, the requested minor modifications do not adversely impact the purpose or intent of the overall development.

(3) Major Modifications.

If the Executive Director determines that the proposed modification does not meet the criteria above or is of such a nature as to adversely impact the purpose or intent of the overall development the petitioner shall be required to file a new petition for zone map amendment.

(e) SECONDARY PLAT APPROVAL

The process for the approval and recording of a secondary plat for any development in a PUD approved pursuant to this section shall be issued in a manner consistent with that for any other subdivision within the St. Joseph County as set forth in the St. Joseph County Subdivision Control Ordinance, as amended, and with any additional requirements or commitments entered into in



connection with the approval of the preliminary plan pursuant to this section. The approval and recording of a secondary plat is required prior to the issuance of an improvement location permit for any improvements on a lot.

(f) MAINTENANCE OF COMMON OPEN SPACE

In those PUD Districts in which open space, common areas or recreation areas are provided for the use and enjoyment of residents or users of the PUD District, the petitioner shall file documentary assurances that the permanent dedication and continuous maintenance of open space, common areas or recreation areas shall be made in accordance with the approved preliminary plan and secondary approval, and that the open space, common areas and recreation areas shall be made available to the residents and users of the overall development in the PUD at a reasonable and non-discriminatory rate of charge. Such documentary assurances shall be incorporated into the secondary plat that is recorded in the Office of the St. Joseph County Recorder or otherwise provided for through legally binding perpetual agreements as approved by the Area Plan Commission and the County. Such open space shall perpetually run with the PUD and shall not be developed or separated from the overall development in the PUD at a later date (unless no development of any portion of the PUD which is benefited by the open space, common areas or recreation areas has occurred and the entire area subject to the PUD is presented for zone map change).

(g) APPEALS OF EXECUTIVE DIRECTOR'S DECISIONS

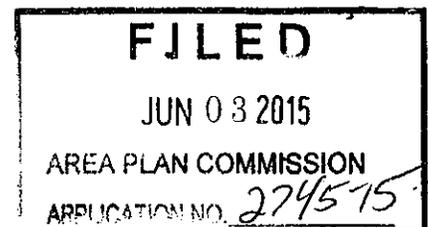
(1) Generally.

Any order, requirement, decision or determination by the Executive Director regarding a secondary approval, or a modification of a preliminary plan or secondary approval, may be appealed to the Area Plan Commission by any person claiming to be adversely affected by that order, requirement, decision or determination.

(2) Appeal Process.

The procedures for such an appeal are as follows:

- (A) Every appeal shall be filed within thirty (30) days from the order, requirement, decision or determination.
- (B) All appeals shall be determined by the Area Plan Commission at a public hearing for which any person claiming to be adversely affected by that order, requirement, decision, or determination shall comply with, and bear all costs associated with, the notification requirements as provided by rule of the Area Plan Commission.
- (C) The Area Plan Commission hearing shall be de novo, in the same manner as though the application was originally filed with the Area Plan Commission.
- (D) The decision of the Area Plan Commission with respect to a secondary approval, or a modification of a preliminary plan or secondary approval, shall be a final decision that may be reviewed only by certiorari procedures as provided in I.C. 36-7-4-1016.



**Section II.** This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

\_\_\_\_\_  
Member of the Common Council

Attest:

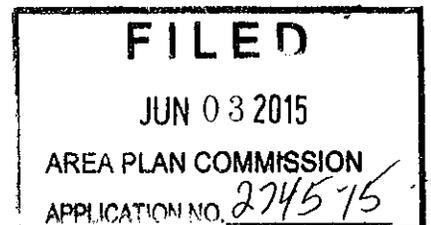
\_\_\_\_\_  
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, at \_\_\_\_\_ o'clock \_\_\_\_\_ m.

\_\_\_\_\_  
City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, at \_\_\_\_\_ o'clock \_\_\_\_\_ m.

\_\_\_\_\_  
Mayor of the City of South Bend, Indiana



**Staff Report**

7/9/2015

APC # 2746-15  
Owner: APC Initiated  
Location: Text Amendment - County PUD  
Jurisdiction: St. Joseph County  
Public Hearing Date: 7/21/2015

**Requested Action:**

The requested action is a text amendment initiated by the Area Plan Commission amending Title XV, Land Usage of the St. Joseph County Code by repealing and replacing Sections 154.225 through 154.231 Planned Unit Development District.

**Staff Comments:**

The St. Joseph County Zoning Ordinance has been in place since 2005. The proposed ordinance includes the following changes:

- 1) The language in the INTENT section has been simplified and strengthened;
- 2) Removed the Area Requirement;
- 3) Added a requirement that the Concept Plan be filed at least two weeks prior to the filing of a PUD District ordinance;
- 4) Re-structured submittal requirements for the Concept Plan, Preliminary Plan and Secondary Approval;
- 5) Preliminary Plan now has two components:
  - i. The Ordinance which provides all of the development standards formatted as a “report”; and
  - ii. A site plan;
- 6) Secondary Approvals will be recorded; and
- 7) Simplified the language where possible.

The following revisions have been made since the Ordinance was filed:

- 1) Section 154.227 (L) Recording was deleted;
- 2) Section 154.227 (M) Expiration was renumbered to 154.227 (L)

**Recommendation:**

Based on information available prior to the public hearing, the staff recommends the text amendment be sent to the County Council with a favorable recommendation.

**Analysis:**

Updating the Planned Unit Development District will continue to allow for creative and unique developments while reinforcing the intent, establishing a framework for the process, and modernizing the language contained within.

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING  
TITLE XV, LAND USAGE OF THE ST. JOSEPH COUNTY CODE BY  
REPEALING AND REPLACING SECTIONS 154.225 THROUGH 154.231  
PLANNED UNIT DEVELOPMENT DISTRICT.

WHEREAS, The County Council of St. Joseph County, Indiana, adopted a new zoning ordinance for St. Joseph County that went into effect on June 13, 2005, and

WHEREAS, the ordinance has been in use since that time, and it has been determined that certain changes are necessary to revise and clarify and generally improve various sections of the ordinance;

IT IS HEREBY ORDAINED BY THE COUNTY COUNCIL OF ST. JOSEPH COUNTY, INDIANA, AS FOLLOWS:

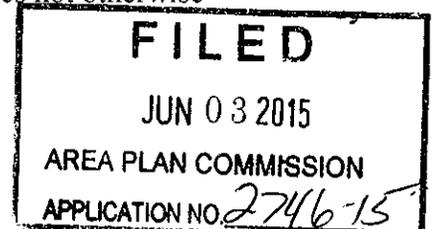
**SECTION 1.** Chapters 154.225 through 154.231 PLANNED UNIT DEVELOPMENT DISTRICT are hereby repealed and replaced as follows:

**PLANNED UNIT DEVELOPMENT DISTRICT**

**154.225 INTENT.**

(A) The Planned Unit Development (PUD) District is intended to:

- (1) Establish a compatible and efficient mix of land uses and open space;
- (2) Ensure compatibility with the Comprehensive Plan, surrounding developments and future development needs;
- (3) Establish a creative approach in building design through architectural compatibility with adjacent buildings, general neighborhood design or by creating a unique style;
- (4) Achieve flexibility and provide incentives for development that will sustain a wider range of choice in satisfying the changing needs of the community; and
- (5) Provide for any individual land or a combination of land uses not otherwise specified elsewhere in this Ordinance.



- (B) The PUD District is not intended for the development of residential subdivisions, Permitted Uses, or Special Uses which are provided for within any district of this Ordinance.
- (C) The PUD District is not intended for developments seeking relief from development standards within a district in which the use is permitted.

**154.226 PERMITTED USES AND DEVELOPMENT STANDARDS.**

(A) Permitted Uses.

- (1) Primary uses in the PUD District shall be any use or range of uses specified in the PUD District Ordinance establishing such District.
- (2) Accessory uses, home occupations or temporary uses, unless otherwise specified in the PUD District, shall be permitted in a manner customarily associated with the primary use specified in the PUD District Ordinance.

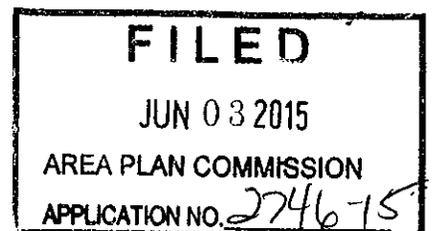
(B) Development Standards.

- (1) The PUD District shall specify development standards applicable to each permitted use in the PUD District and, at a minimum, shall adopt or include a variation of each development standard that is applicable to each such use in the district in which each such use is first permitted.
- (2) In any case in which an applicable development standard has not been specified in the petition for zone map change to the PUD District, the development standard shall be that which is specified in the district in which the use is first permitted.

**154.227 PROCEDURE FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT.**

(A) General.

- (1) The complete review and approval process for a PUD consists of three (3) components:
  - (a) Submittal of a Concept Plan per §154.227 (B) Concept Plan;
  - (b) Submittal of a Petition for zone map change per §154.227 (C) Petition for Zone Map Change to PUD District; and,
  - (c) Submittal for Secondary Approval per §154.227 (G) Secondary Approval.
- (2) Preliminary Plan approval and Secondary Approval may be filed separately, or may be combined for joint approval as set forth in §154.227 (E) (2), below.



- (3) If filed separately, the procedure for filing for approval of a zone map change shall be the same as that required for any other petition for zone map change before the Area Plan Commission, except as otherwise provided for in this chapter.

(B) Concept Plan.

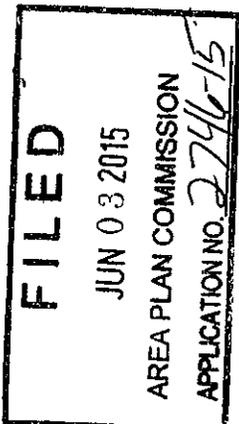
- (1) The filing of a Concept Plan is required. The review of the Concept Plan by the Staff will create an understanding between the Staff and the developer which may help to alleviate future misunderstandings and extensive revisions.
- (2) A Concept Plan shall be submitted a minimum of ten (10) business days prior to filing a petition for zone map change to the PUD District, which shall include the following:

- (a) A statement demonstrating how the proposed PUD meets the intent of §154.225 Intent;
- (b) Proposed locations and types of uses within the area proposed;
- (c) Preliminary layout of streets, open space, and other elements basic to the proposal in relationship to existing site conditions and adjacent properties;

- (3) Staff shall review the proposed Concept Plan taking into consideration the following:

- (a) That the proposed PUD District meets the requirements of §154.225 Intent;
- (b) Protection and enhancement of the natural and environmentally sensitive features on the site, including, but not limited to topography, wooded areas, water features, wetlands, floodways, floodplains and regulated drains;
- (c) Development of common areas, open space or recreational areas (passive or active) accessible to the residents or users of the PUD by way of sidewalks, footpaths or combined walkways/bikeways;
- (d) Building designs which achieve added value to the community; and,
- (e) Relationship to surrounding properties.

- (4) The Staff shall notify the petitioner of any comments related to the submitted Concept Plan within ten (10) business days of the submittal. Upon receipt of the Staff comments, the petitioner may modify the Concept Plan and resubmit a revised Concept Plan for additional review by Staff or file a petition for zone



map change as set forth per § 154.227 (C) Petition for Zone Map Change to PUD District.

- (5) Neither the Staff's review of the Concept Plan submitted for review nor Staff's comments to the petitioner shall be considered a denial, approval or decision concerning the proposed PUD District.

(C) Petition for Zone Map Change to PUD District.

(1) A request for a zone map change to a PUD District shall contain the following:

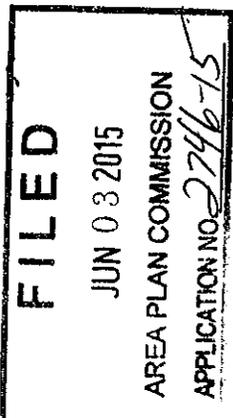
- (a) All documentation and requirements as regulated by §154.599 (B) Zone Map Amendments;
- (b) A Preliminary Plan that satisfies the requirements below, and shall specify in either General Terms or Detailed Terms the permitted uses and development standards that will apply to the PUD District:

- i. Detailed Terms. A Preliminary Plan which includes a detailed description of all development requirements that apply to the proposed PUD District on any of the site plans, building elevations, landscape plans, sign plans, or any other plan required by this Ordinance in sufficient detail to fulfill the requirements for the issuance of an Improvement Location Permit;
- ii. General Terms. A Preliminary Plan which do not comply with the requirements above for Detailed Terms shall be deemed to have expressed the development requirements that apply to the proposed PUD in General Terms only and shall require Secondary Approval, as set forth below, prior to the issuance of an Improvement Location Permit.

(2) Preliminary Plan. A Preliminary Plan shall consist of the following:

- (a) A PUD District Ordinance in 8 ½" x 11" format consisting of the following:

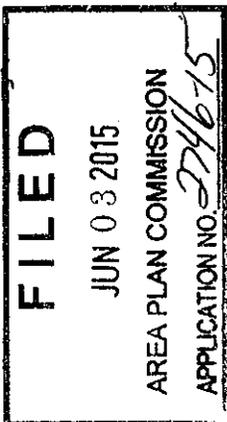
- i. Proposed name of the PUD District;
- ii. Legal description of the proposed PUD District;
- iii. Statement on how the proposed PUD District meets the requirements of §154.225 Intent;
- iv. Permitted uses, accessory uses and temporary uses by location;



- v. Site development standards by use, such as but not limited to setbacks, densities, use of yards;
  - vi. Proposals for handling traffic, general circulation and access points, sewage disposal, drainage, and other pertinent development features;
  - vii. Landscaping, buffering, tree preservation and use of open space;
  - viii. Lighting standards;
  - ix. Signs standards;
  - x. Parking and Loading standards;
  - xi. Building design standards; and
- (b) A Site Plan of the overall PUD on plan sheets not to exceed twenty-four by thirty-six (24" x 36") in size consisting of the following:
- i. Proposed name of the PUD District
  - ii. North arrow, written and graphic scale;
  - iii. Boundaries of property with dimensions;
  - iv. General location of proposed land uses;
  - v. Easements of record;
  - vi. General layout of public and private streets, open space and other basic elements of the development;
  - vii. General location of all drainage and other utility features and any other pertinent development features; and
  - viii. Statement regarding how the PUD will be served by water and sewer; i.e. well and septic or municipal water and sewer.
- (c) Any other information requested in writing by the Executive Director or Area Plan Commission that would need to be included and/or addressed in either the PUD District Ordinance or the Site Plan.

(D) Determination by the Area Plan Commission.

In its determination of the appropriateness of the proposed PUD, the Area Plan Commission shall pay reasonable regard to the extent to which the proposal



accomplishes the intent set forth in §154.225 Intent, above, and provides for the protection or provision of the site features and amenities outlined above.

(E) Preliminary Plan Approval.

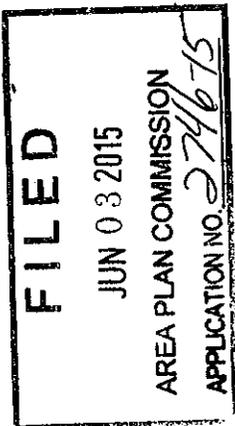
- (1) If the Preliminary Plan expresses development standards in General Terms, as described above, secondary approval as set forth in §154.227 (G) Secondary Approval, shall be required.
- (2) If the Preliminary Plan expresses development standards in Detailed Terms, as described above, the Petitioner may request Secondary Approval in connection with the approval of the zone map change to the PUD District, provided that any such approval shall be conditioned upon the Council adopting the zone map change to the PUD District.

(F) Conditions.

Conditions may be imposed on the approval of a PUD District which are reasonably necessary to assure compliance with the permitted use, development standards and minimum requirements of the PUD District Ordinance.

(G) Secondary Approval

- (1) Secondary Approval is required in the PUD District as a prerequisite to the issuance of an Improvement Location Permit.
- (2) The petitioner must file an application requesting Secondary Approval and submit the following:
  - (a) A final PUD District Ordinance which expresses the development standards in Detailed Terms addressing all of the requirements established and approved under Preliminary Plan Approval; and
  - (b) A final site plan of the overall PUD on plan sheets not to exceed twenty-four by thirty-six (24" x 36") in size, consisting of all of the requirements of §154.227 (C) 2 (b) in detail, including any additional requirements approved under §154.227(E) Preliminary Plan Approval.
  - (c) Any other information requested in writing by the Executive Director that would need to be included and/or addressed for Secondary Approval.
- (3) As part of the Secondary Approval, the following documentation may be required in order to meet the requirements for approval by the reviewing agencies.
  - (a) Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water



management, electric, gas, telephone and cable within two-hundred (200) feet of the real estate;

- (b) Drainage plan;
- (c) An erosion control plan for all areas of site disturbance.
- (d) Topographic contour every two (2) feet superimposed upon the proposed site plan portion of the site covered by the submitted plans;
- (e) Proposed elevation of all building pads within the proposed development;
- (f) Plans and specifications for all infrastructure improvements required or proposed in the PUD;
- (g) Any other information specified elsewhere in this Ordinance as a prerequisite to the issuance of an improvement location permit; and

(4) The Executive Director, during Secondary Review, shall specify any additional plan documentation or supporting information beyond that required by this subsection, which must be provided before the issuance of an Improvement Location Permit.

(H) Secondary Approval Authority.

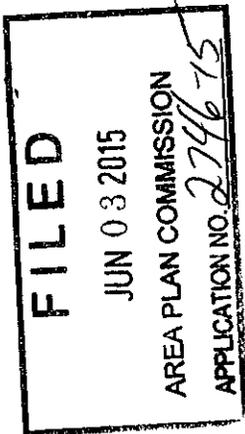
(1) Authority for Secondary Approval is hereby delegated to the Executive Director. The Executive Director shall have a period of not more than fifteen (15) business days in which to review the proposed Secondary Approval application and either:

- (a) Render a decision of approval or denial concerning the Secondary Approval; or
- (b) Request in writing additional information from the applicant. If additional information is requested, the Executive Director shall have an additional period of fifteen (15) business days to review the information from the date the requested information is received.

(2) The Executive Director may seek the advice and comment of the Executive Committee of the Area Plan Commission or other government review agencies prior to Secondary Approval.

(3) Any decision of the Executive Director under this Section may be appealed by any interested party to the Area Plan Commission in accordance with the procedures of §154.231 Appeals of Executive Director's Decisions, below.

(I) Proceedings/Notice.



The proceedings required for Secondary Approval shall be the same as those required by this zoning ordinance for the review and issuance of an Improvement Location Permit.

(J) Required Findings.

- (1) The Area Plan Commission or Executive Director may issue Secondary Approval only upon a finding that the plans submitted for Secondary Approval satisfy the PUD District Ordinance establishing such PUD District;
- (2) Secondary Approval shall be sealed with the Seal of the Area Plan Commission and retained in the office of the Area Plan Commission to be used in its continuing administration of the PUD.

(K) Surety.

Bonds or other written assurance may be required which are reasonably necessary to guarantee the timely completion of a public improvement required by the PUD District Ordinance. Such bond or other written assurance shall be satisfactory to the Executive Director, and shall run to the Board of Public Works or any other public agency that will be responsible for the construction and maintenance of the public improvement.

(L) Recording.

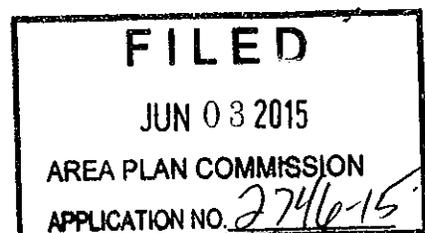
Secondary Approval of the PUD District Ordinance, Site Plan, and modifications thereof shall be recorded in the St. Joseph County Recorder's Office within five (5) business days of Secondary Approval.

(M) Expiration.

Secondary Approval of a PUD District Ordinance, whether submitted in its entirety or in development phases, does not expire. Upon an application for an Improvement Location Permit for the use or development of the property, whether in its entirety or in development phases, all required improvements shall be designed and constructed with the latest standards in effect at the time.

**154.228 MODIFICATION OF PRELIMINARY PLAN OR SECONDARY APPROVAL**

(A) Request for modification.



Request for determination of minor/major modification shall be provided in writing to the Executive Director detailing the extent of the change or changes. The Executive Director may request additional documentation that would be needed to determine whether the proposed changes qualify as Minor Modifications or Major Modifications and outlined below.

(B) Minor Modifications.

Minor modifications to a Preliminary Plan or Secondary Approval which has already received approval from the Area Plan Commission or the Executive and which do not involve the designation of additional land uses; or an encroachment into any drainage easement, regulated drain setback or floodplain, may be authorized by the Executive Director without a public hearing in its continuing administration of the PUD if, in the determination of the Executive Director, the requested minor modifications do not adversely impact the purpose or intent of the overall development.

(C) Major Modifications.

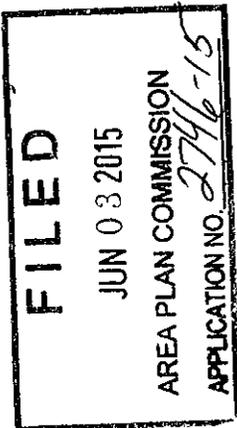
If the Executive Director determines that the proposed modification does not meet the criteria above or is of such a nature as to adversely impact the purpose or intent of the overall development the petitioner shall be required to file a new petition for zone map amendment.

**154.229 SECONDARY PLAT APPROVAL**

The process for the approval and recording of a secondary plat for any development in a PUD approved pursuant to this section shall be issued in a manner consistent with that for any other subdivision within the St. Joseph County as set forth in the St. Joseph County Subdivision Control Ordinance, as amended, and with any additional requirements or commitments entered into in connection with the approval of the preliminary plan pursuant to this section. The approval and recording of a secondary plat is required prior to the issuance of an improvement location permit for any improvements on a lot.

**154.230 MAINTENANCE OF COMMON OPEN SPACE**

In those PUD Districts in which open space, common areas or recreation areas are provided for the use and enjoyment of residents or users of the PUD District, the petitioner shall file documentary assurances that the permanent dedication and continuous maintenance of open space, common areas or recreation areas shall be made in accordance with the approved preliminary plan and secondary approval, and that the open space, common areas and recreation areas shall be made available to the residents and users of the overall development in the PUD at a reasonable and non-discriminatory rate of charge. Such documentary assurances shall be incorporated into the secondary plat that is recorded in the Office of the St. Joseph County Recorder or otherwise provided for through legally binding perpetual agreements as approved by the Area Plan Commission and the County. Such open space shall



perpetually run with the PUD and shall not be developed or separated from the overall development in the PUD at a later date (unless no development of any portion of the PUD which is benefited by the open space, common areas or recreation areas has occurred and the entire area subject to the PUD is presented for zone map change).

**154.231 APPEALS OF EXECUTIVE DIRECTOR'S DECISIONS**

(A) Generally.

Any order, requirement, decision or determination by the Executive Director regarding a secondary approval, or a modification of a preliminary plan or secondary approval, may be appealed to the Area Plan Commission by any person claiming to be adversely affected by that order, requirement, decision or determination.

(B) Appeal Process.

The procedures for such an appeal are as follows:

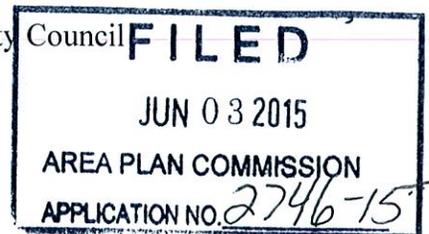
- (1) Every appeal shall be filed within thirty (30) days from the order, requirement, decision or determination.
- (2) All appeals shall be determined by the Area Plan Commission at a public hearing for which any person claiming to be adversely affected by that order, requirement, decision, or determination shall comply with, and bear all costs associated with, the notification requirements as provided by rule of the Area Plan Commission.
- (3) The Area Plan Commission hearing shall be de novo, in the same manner as though the application was originally filed with the Area Plan Commission.
- (4) The decision of the Area Plan Commission with respect to a secondary approval, or a modification of a preliminary plan or secondary approval, shall be a final decision that may be reviewed only by certiorari procedures as provided in I.C. 36-7-4-1016.

**SECTION 2.** This Ordinance shall be in full force and effect from and after its enactment, approval by the Board of Commissioners, and publication as required by law.

This Ordinance shall be in full force after its enactment, approval by the Commissioners, and publication as required by law.



Member, St. Joseph County Council



RESOLUTION NO. 242-15

A RESOLUTION OF THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, INDIANA, ESTABLISHING FILING FEES FOR SUBDIVISIONS, REZONING PETITIONS, FINAL SITE PLANS AND OTHER REVIEW ITEMS IN THE UNINCORPORATED AREAS OF ST. JOSEPH COUNTY, THE CITY OF SOUTH BEND AND PARTICIPATING TOWNS, ALL PARTICIPATING MEMBERS OF THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, INDIANA TO DEFRAY THE COST OF PROCESSING THESE ITEMS

WHEREAS, IC 36-7-4-704 and Chapter 154.542 of the St. Joseph County Code requires the Area Plan Commission to establish a schedule of fees to defray the cost of processing proposed subdivisions, rezoning petitions, site plans and other items requiring review; and

WHEREAS, previous Resolutions established Fees for recording subdivision plats with the St. Joseph County Auditor and Recorder, and zoning and subdivision filing fees for the member jurisdictions of the Area Plan Commission; and

WHEREAS, Resolution No. 199-09 passed on July 21, 2009 established a Fee Schedule that was effective through December 31, 2015; and

WHEREAS, the Area Plan Commission needs to establish a new Fee Schedule to meet its obligation under State and local requirements.

NOW, THEREFORE, be it resolved by the Area Plan Commission of St. Joseph County, Indiana that at the time of filing a Minor Subdivision, Major Subdivision, Subdivision Replat, Corrective Plat, Subdivision Rerecording, Plat Vacation, Rezoning Petition, Planned Unit Development, Site Plans, Combined Hearing Procedure request and any other documentation requiring a certification by the Area Plan Commission in its continuing administration of its responsibilities to its participating members, each particular type of submission shall be accompanied by cash or checks payable to the Area Plan Commission of St. Joseph County in the amounts prescribed below for the calendar years 2016 and 2017; and

FURTHER BE IT RESOLVED, that additional filing fees may be required by the Area Plan Commission's member jurisdictions at which time those fees need to be submitted to the appropriate jurisdiction at the time of filing, and that the appropriate fee established by the St. Joseph County Auditor and St. Joseph County Recorder for the recording of any and all documents required by the Area plan Commission shall be submitted to the Area Plan Commission at the time of filing.

	<u>2016</u>	<u>2017</u>
<b>SUBDIVISIONS</b>		
Major Primary	\$650 + \$15/lot	\$700 + \$15/lot
Major Secondary	\$650 + \$20/lot	\$700 + \$20/lot
Minor Primary	\$450	\$475
Minor Secondary	No Fee	No Fee
Replat Primary	\$275	\$300
Replat Secondary	No Fee	No Fee
ReRecording	\$85	\$100
<u>Petition Type (Cont.)</u>	<u>2016</u>	<u>2017</u>
Type 1 Corrective	\$85	\$100
Type 2 Corrective	\$85	\$100
Type 3 Corrective	\$110	\$125
Plat Vacation	\$175	\$200
<b>REZONING</b>		
Single Family	\$200	\$200
Other Than Single Family	\$350 + \$35/acre	\$400 + \$35/acre
Planned Unit Development (PUD)	\$1000	\$1000
Combined Hearing Petitions:		
Additional fee for special use & special exception use	\$200	\$200
Additional fee for variances	\$85 +\$45/ea. Additional	\$85 +\$45/ea. Additional
<b>SITE PLANS</b>		
Final Site Plans (prior to 6/13/2005)	\$150	\$200
Final Site Plans – applicable towns	\$150	\$200
PUD – Concept Plan	No Fee	No Fee
PUD – Secondary Approval	\$325	\$350
PUD – Minor Modification	\$150	\$150
<b>OTHER FEES</b>		
Written Commitments	\$100	\$100
Zoning verification Letter	\$35	\$35
Re-advertise tabled petition	\$50	\$75
Rezoning Sign	\$5	\$5
Recording Fees	St. Joseph County Auditor and Recorder Schedule	
Member Jurisdictions	Per respective Ordinance or Resolution	

Passed by the Area Plan Commission of St. Joseph County, Indiana this 21<sup>st</sup> day  
of July, 2015.

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Karl G. King, President  
Area Plan Commission of St. Joseph County, IN

ATTEST:

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Lawrence P. Magliozzi  
Secretary