

ORDINANCE No. 2016-016

AN ORDINANCE TO AMEND THE CULVER ZONING ORDINANCE

WHEREAS, the Culver Plan Commission, on August 18, 2016 held a public hearing on a petition of their own request to amend the Culver Zoning Ordinance 2010-007; and

WHEREAS, the Culver Plan Commission recommended by a vote of 6-0, that the Culver Town Council approve said amendments to the Culver Zoning Ordinance 2010-007; and

WHEREAS, subsequent to first reading of this Ordinance, notice of filing of said petition and date of a public hearing by the Culver Town Council was given as required by law; and

WHEREAS, the Town Council, after due advertisement and holding of their own public hearing on said matter has considered said amendments, and now finds and adopts the following changes to the Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED by the Town Council for the Town of Culver, Indiana the following changes are to be adopted and included as part of the 2010-007 Culver Zoning Ordinance.

Changes to Section 1.9 Definitions

Accessory Structure - A subordinate structure located on the same lot as the principal building or use. An accessory Structure may not be used as a dwelling Unit.

Accessory Use - An accessory use is one, which meets the following qualifications: 1. Is subordinate to and serves a principal building or principal use; and 2. Is subordinate in area, extent, or purpose to the principal building or principal use served; and 3. Is located on the same lot as the principal building or principal use served.

Zoning Lot - A tract or parcel of land designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control.

Complete Re-Write of Section 3.10 Planned Unit Development District

A. Purpose - The purpose of the planned unit development is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character and quality of new developments be they residential, commercial, industrial; to encourage a harmonious and appropriate mixture of uses while allowing flexibility in meeting future town needs; to facilitate the adequate and economic provision of streets, utilities and community services; to preserve the natural environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; and to mitigate the problems which may be presented by specific site conditions. It is anticipated that Planned Unit Developments will offer one or more of the following advantages:

- I. Reflect the policies of the Comprehensive Plan specific to the area in which the PUD is to be located;
- II. Provide substantial buffers and transitions between areas of different land use and development densities;
- III. Enhance the appearance of Culver by conserving areas of natural beauty, and natural green spaces;
- IV. Counteract urban monotony and congestion on streets;
- V. Promote architecture that is compatible with the surroundings;
- VI. Buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development;
- VII. Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area; and
- VIII. Pursue implementation of the Comprehensive Plan.

B. Definition - A Planned Unit Development is an area under single ownership or control to be developed in conformance with an approved Secondary Plan, consisting of a map showing the development area and all improvements to the development area, a text which sets forth the uses and the development standards to be met, and exhibits setting forth any aspects of the plan not fully described in the map and text. The uses and standards expressed in the Secondary Plan constitute the use and development regulations for the Planned Unit Development site in lieu of the regulations for the underlying district.

C. Requirements for a Planned Unit Development

- I. The area designated in the Planned Unit Development map must be a tract of land under single ownership or control. Single control of property under multiple ownership may be accomplished through the use of enforceable covenants and commitments which run to the benefit of the Zoning

Jurisdiction:

- II. The plan shall indicate the land use, development standards, and other applicable specifications which shall govern the Planned Unit Development. If the plan is silent on a particular land use, development standard, or other specification, a determination shall be made by the Plan Commission.
- III. The Planned Unit Development map shall show the location of all improvements. The location of Planned Unit Developments shall be designated on the Zoning Map and adopted pursuant to this Ordinance.
- IV. The Planned Unit Development must comply with all required improvements, construction standards, design standards, and all other Culver standards and other pertinent regulations, except where specifically varied through the provisions of this Section of the Ordinance.

D. Designation and Conveyance of Permanent Open Space

- I. Definition - Permanent open space shall be defined as parks, playgrounds, landscaped green space, and natural areas, not including schools, community centers or other similar areas in public ownership.
- II. Designation - No plan for a Planned Unit Development shall be approved, unless such plan provides for permanent landscaped or natural open space. A minimum of ten (10) percent of the proposed Planned Unit Development area shall be designated as Permanent Open Space.
- III. Phasing - If the Primary Plan provides for the Planned Unit Development to be constructed in stages, open space must be provided for each stage of the Planned Unit Development in proportion to that stage.
- IV. Conveyance - Permanent open space shall be conveyed in one of the following forms:
 - a. To a municipal or public corporation; or
 - b. To a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the Planned Unit Development or, where appropriate and where approved by the Plan Commission and the Board of Commissioners, adjoining property owners, or both. All conveyances hereunder shall be structures to insure that the grantee has the obligation and the right to effect maintenance and improvement of the common open space; and that such duty of maintenance and improvement is enforced by the owners and tenants of the Planned Unit Development and, where applicable, by adjoining property owners; or
 - c. To owners other than those specified in Subsections (a) and (b) above, and subject to restrictive covenants describing and guaranteeing the open space and its maintenance and improvement, running with the land for the benefit of residents of the Planned Unit Development or adjoining property owners, or both; or
 - d. Included in single family residential lots under the control of lot owners.

- V. Uses permitted in a Planned Unit Development may be any use which is found in the Land Use Matrix of this Ordinance or uses approved by the Plan Commission and Town Council.

E. Procedure For Approval of a Planned Unit Development

- I. Introduction - A three step application process shall be used. The steps in the process are:
 - a. Pre-Design Conference;
 - b. Primary Plan Review; and
 - c. Secondary Plan Review.
- II. Pre-Design Conference - Prior to filing a formal application for approval of a Planned Unit Development, the applicant shall schedule a pre-design conference with the Plan Commission. The purpose of the pre-application conference shall be to:
 - a. Allow the applicant to present a general concept and to discuss characteristics of the development concept in relation to adopted Town policies.
 - b. Allow the Plan Commission to inform the applicant of applicable policies, standards and procedures for the Planned Unit Development.
 - c. Allow the Plan Commission to request appropriate review by Town staff or outside consultants where additional input is required.
 - d. The pre-design conference is intended only for the above purposes; neither the developer nor the jurisdiction is bound by any decision made during a preapplication conference.
- III. Procedure for Primary Plan Review
 - a. The Primary Plan and application for the Planned Unit Development shall be submitted to the Building Commissioner which will review and certify the application to be complete.
 - b. The Primary Plan and application, and such other documents as may be pertinent to the Planned Unit Development shall then be forwarded to the Plan Commission for its consideration.
 - c. The Plan Commission shall hold a public hearing in accordance with its Rules of Procedure.
 - d. Where there are environmentally sensitive features on the site or the Secondary Plan is expected to be complex, or there are other important planning implications involved, the Plan Commission may reserve the right to review the Secondary Plan. And, where the Plan Commission recommends denial of a Primary Plan and the Board of Commissioners approves the plan, the Plan Commission shall review the Secondary Plan.
 - e. Upon completion of its review, the Plan Commission shall certify the application to the Town Council with a favorable recommendation, an unfavorable recommendation, or no recommendation.
 - f. The Town Council shall vote on the proposal within thirty (30) days after the Plan Commission

certifies the proposal. The Council may adopt or reject the proposal. If the Plan Commission has given the proposal a favorable recommendation and the Council fails to act on the proposal within thirty (30) days, the Ordinance takes effect as if it had been adopted as certified thirty (30) days after recommendation. If the Plan Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the Council fails to act on the proposal within thirty (30) days, the proposal is defeated.

IV. Effect of Approval of Primary Plan

- a. When a Primary Plan for a Planned Unit Development has been approved by the Council, the Plan shall become effective and its location shall be shown on the Zoning Map. The Zoning Map shall be amended to designate the site as a Planned Unit Development.
- b. Upon such amendment of the zoning map, the use and development of the site shall be governed by the Planned Unit Development Primary Plan, subject to approval of a Secondary Plan.
- c. No permit of any kind shall be issued until the Secondary Plan has been approved.

V. Secondary Plan

- a. Purpose of Secondary Plan Review - The purpose of the Secondary Plan is to designate the controls for development of the Planned Unit Development. The Secondary Plan shall show the exact location of each building and improvement to be constructed and a designation of the specific internal use or range of uses to which each building shall be put.
- b. Time Limit for Approval of Secondary Plan - The Secondary Plan shall be submitted to the Plan Commission not more than eighteen (18) months following Plan Commission approval of the Primary Plan. The Primary and Secondary Plans may be submitted as a single plan if all Primary Plan Requirements and Secondary Plan Requirements of this Ordinance are met. The Secondary Plan may be submitted and approved in stages, with each stage representing a portion of the Primary Plan, at the discretion of the Plan Commission. The time limit for submitting each stage for approval may be set forth in the Primary Plan, in which case that schedule shall control the timing of development, rather than the time period contained in this paragraph. The Plan Commission may extend the time for application for approval of Secondary Plan for good cause, consistent with the purposes of this Ordinance.
- c. Expiration of Time Limit - Periodically, the Building Commissioner shall report to the Plan Commission on Planned Unit Developments whose time limits have expired. The applicants shall be notified. The Plan Commission shall determine whether to consider extending the time or to initiate action to amend the Zoning Map so as to rescind the Planned Unit Development designation.
- d. Relationship of Secondary and Primary Plan - The Secondary Plan shall conform to the Primary Plan as approved.
- e. Procedure for approval of a Secondary Plan shall be:
 1. The Secondary Plan and supporting data shall be filed with the Building Commissioner.
 2. The Building Commissioner shall review the Secondary Plan to include site plan review, in accordance with the requirements of this Ordinance.
- f. The Plan Commission has retained Secondary Plan Review authority and shall hold a public hearing in accordance with its Rules of Procedure. The Commission may approve, deny or approve with modifications.
- g. The Secondary Plan shall expire two (2) years after approval, unless grading and/or building permits have been obtained and are still current and valid on that date. This rule shall also apply to each stage of a Secondary Plan approved in stages. The time limit for completion may be set forth in the Secondary Plan, in which case that schedule shall control the timing of development, rather than the time period contained in this paragraph. The approving authority may extend the time for commencement of the Secondary Plan for good cause, consistent with the purposes of this Ordinance.
- h. No permit of any kind shall be issued for any purpose within a Planned Unit Development except in accordance with the approved Secondary Plan, and after acceptance by the Town of all required guarantees for improvements pursuant to Guarantees of Performance for Completion of Improvements of this Ordinance.

F. Specific Content of Plans - Planned Unit Development Secondary Plans and supporting data shall include all documentation listed in this Section of the Zoning Ordinance unless certain documentation is deemed superfluous by the Plan Commission due to the specific circumstances of the particular request.

I. Pre-Design Conference Requirements

A written letter of intent from the applicant describing the applicant's intention for developing the site. A scaled drawing of the site, in simple sketch form, showing the proposed location and extent of the land uses, major streets, and the approximate location of any existing easements, natural features, and topographic or geologic constraints.

II. Primary Plan Requirements

A drawing of the Planned Unit Development shall be prepared at a scale not less 1"=50', or as considered appropriated by the Building Commissioner, and shall show in concept major circulation; generalized location and dimensions of buildings, structures, and parking areas; open space areas,

recreation facilities, and other details to indicate the character of the proposed development. The submission shall include:

- a. A site location map.
- b. The name of the development, with the words "Primary Plan".
- c. Boundary lines and acreage of each land use component.
- d. Existing easements, including location, width and purpose.
- e. Existing land use on abutting properties.
- f. Other conditions on adjoining land
 - 1. topography (at two (2) foot contours) including any embankments or retaining walls;
 - 2. use and location of major buildings, railroads, power lines, towers and other influences; and
 - 3. name of any adjoining subdivision plat.
- g. Existing streets on and adjacent to the tract, including street name, right-of-way width, walks, curbs, gutters, and culverts.
- h. Proposed public improvements including streets and other major improvements planned by the public for future construction on or adjacent to the tract.
- i. Existing and/or proposed utilities on the tract.
- j. Any land on the tract within the 100-year floodplain.
- k. Other conditions on the tract, including water courses, wetlands, sinkholes, wooded areas, isolated trees 6 inches or more in diameter, existing structures and other significant features.
- l. Existing vegetation to be preserved and the locations, nature, and purpose of proposed landscaping.
- m. Map data such as north point, scale and date of preparation.
- n. Miscellaneous - The Building Commissioner shall inform the applicant of any additional documents or data requirements after the pre-application conference.
- o. Written Statement of Character of the Planned Unit Development - An explanation of the character of the Planned Unit Development and the reasons why it has been planned to take advantage of the flexibility of these regulations. The written statement shall include:
 - p. A specific explanation of how the proposed Planned Unit Development meets the objectives of all adopted land use policies which affect the land in question.
 - q. Ownership a statement of present and proposed ownership of all land within the project including the beneficial owners of a land trust.
 - r. Development scheduling indicating:
 - 1. Stages in which the project will be built, including the area, density, use, public facilities, and open space to be developed with each stage. Each stage shall be described and mapped.
 - 2. Projected dates for beginning and completion of each stage.
 - s. Proposed Uses
 - 1. Residential Uses - gross area, architectural concepts (narrative, sketch, or representative photo), number of units, bedroom breakdown, and proposed occupancy limits for each residential component;
 - 2. Nonresidential Uses - specific nonresidential uses, including gross areas, architectural concepts (narrative, sketch, or representative photo), and building heights.
 - t. Facilities Plan - Preliminary concepts and feasibility reports if requested for:
 - 1. Roads
 - 2. Sidewalks
 - 3. Sanitary sewers
 - 4. Storm water management
 - 5. Water supply system
 - 6. Street lighting
 - 7. Public utilities
 - u. Traffic Analysis - If requested by the Plan Commission, a study of the impact caused by the Planned Unit Development and any measures proposed to accommodate that impact.
- III. Secondary Plan Requirements - The application for Secondary Plan Review shall include, but not be limited to, the following documents:
 - a. Such additional information as may have been required by the Primary Plan Review.
 - b. An accurate map exhibit of the entire phase for which Secondary Plan Review is being requested, showing the following:
 - c. Precise location of all buildings to be constructed, and a designation of the specific use or range of uses for each building. Single family residential development on individual lots need not show precise locations of buildings on each lot, but plans shall show setback and other bulk constraints.
 - d. Design and precise location of all streets, drives, and parking areas, including construction details, center line elevations, pavement type, curbs, gutters, and culverts.
 - e. Location of all utility lines and easements.
 - f. Storm water management plan.
 - g. A final detailed landscape plan, in conformance with Landscaping Standards of this Ordinance.
 - h. Tabulation on each separate subdivided use area, including land area, number of buildings,

- i. number of dwelling units per acre, type of unit, bedroom breakdown, and limits on occupancy.
- i. If lands to be subdivided are included in the Planned Unit Development, a subdivision plat meeting the requirements of a preliminary plat, as modified by the Primary Plan Review, is required where platting is to be done concurrent with the Secondary Plan Review.
- j. Projected construction schedule.
- k. Agreements and covenants which govern the use, maintenance, and continued protection of the Planned Unit Development and its common spaces, shared facilities, and private roads.
- l. Guarantee of Performance for Completion of Improvements - A bond or other guarantee acceptable to the Town shall be provided for all required improvements and shall be executed at time of permit application or platting, whichever comes first. Improvements that must be guaranteed include facilities which shall become public, and may include other facilities or improvements as may be specified in the Primary or Secondary Plan Review. If the project is to be built in phases, the guarantee shall be posted prior to the commencement of work on each phase. The guarantee shall specify the time for completion of improvements, and shall be in an amount of one hundred ten (110) percent of the estimated cost of the improvements.

IV. Review Considerations

In their consideration of a Planned Unit Development Primary Plan, the Plan Commission in its recommendation, and the Town Council in its decision, shall consider as many of the following as may be relevant to the specific proposal:

- a. The extent to which the Planned Unit Development meets the purposes of the Zoning Ordinance, the Comprehensive Plan, and any other adopted planning objectives of the Town of Culver.
- b. The extent to which the proposed plan meets the requirements, standards, and stated purpose of the Planned Unit Development regulations
- c. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons, which such departures are or are not deemed to be in the public interest.
- d. The proposal will not be injurious to the public health, safety, and general welfare.
- e. The physical design of the Planned Unit Development and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated permanent open space, and furthers the amenities of light and air, recreation and visual enjoyment.
- f. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood, and whether the proposed plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.
- g. The desirability of the proposed plan to the Town of Culver's physical development, tax base and economic well-being.
- h. The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.
- i. The proposal preserves significant ecological, natural, historical, and architectural resources to the extent possible.

G. Changes in the Planned Unit Development

I. Changes Requiring New Primary Plan Review - Changes which alter the concept or intent of the Planned Unit Development including but not limited to:

- a. Increases in density not to exceed 10%;
- b. Changes in the proportion or allocation of land uses;
- c. Changes in the list of approved uses;
- d. Changes in the locations of uses;

II. Changes in functional uses of open space, where such change constitutes an intensification of use of the open space; and/or

III. Changes in the final governing agreements where such changes conflict with the Primary Plan Review.

IV. Changes Requiring New Secondary Plan Review - These changes shall include the following:

- a. Changes in lot arrangement, or addition of buildable lots which do not change approved density of the development;
- b. Changes in site design requirements, such as location of required landscaping, signage, building height, cube and/or footprint, or other such requirements of this ordinance;
- c. Changes to the internal street system or off-street parking areas;
- d. Changes in drainage management structures;
- e. Changes in access to the development site, where such change amounts to an intensification in the traffic patterns of roadways of classification higher than local; and/or

V. All other changes not expressly addressed under Changes Requiring New Primary Plan Review of this Ordinance, shall require a new Secondary Plan Review.

Changes to Section 5.4 Pools – Private

A pool is defined as a basin capable of holding water to a depth of more than thirty (30) inches. This includes in ground and above ground swimming pools, hot tubs, and many inflatable pools.

A private pool shall be permitted in the side and rear yards of all districts and the following regulations shall apply: Pools shall be located not less than 10 feet from any property line.

All pools are accessory structures and shall be enclosed by a lockable cover, fence, wall, or other structure.

If the enclosure is a fence, it shall be a minimum of 5 feet in height. Any opening under the bottom of the fence shall be not more than 4 inches above the ground level if placed on the ground or 4 inches above pool level if placed around an above ground pool. The gate of the enclosure shall be self-latching with the latch placed a minimum of 4 feet above the underlying ground. The enclosure shall be maintained in a secure condition at all times.

New Section Added 5.21 Technical Review Committee

A. Intent

The Culver Technical Review Committee (also known and referred to in this article as the "TRC" and the "Committee") is hereby formed for the purpose of providing technical review of certain types of petitions and applications. The intent of the Technical Review Committee is to provide efficiency in the work load of the Plan Commission, as well as applicants, by establishing a body to make determinations regarding petitions for which the only criteria is consistency with the applicable adopted standards of Culver and Marshall County. Further, the TRC shall provide for efficiency in the approval process of petitions determined by the Plan Commission and Town Council by providing an initial examination and report based on all applicable adopted requirements of Culver. All approval processes and actions of the Technical Review Committee shall be consistent with the requirements of Indiana Law.

B. Authority and Approvals

The authority of the Technical Review Committee and appeals of its decisions shall be as follows:

1. Review Authority

The Technical Review Committee shall have the authority to review the following types of petitions, forwarding comments to the Town Of Culver Plan Commission:

Re-Zoning Petitions,
Subdivisions,
Planned Unit Development Concept Plans
Planned Unit Development Detailed Plans.

2. Approval Authority

The Technical Review Committee shall have the authority to approve Site Plans as required in Zoning Districts L1, R2 – Multi Family, C1, C2, I1, I2, P1, PUD, and MH.

3. Appeal Rights

All decisions of the Technical Review Committee may be appealed to the Culver Plan Commission.

C. Committee Structure

The Building Commissioner shall serve as the staff for the Technical Review Committee. He/she shall distribute all appropriate materials and keep all necessary files and meeting records. The organization of the Technical Review Committee shall be as described below:

1. Membership

The Technical Review Committee shall, at a minimum, consist of the following members:

The Culver Building Commissioner; the Culver Utility Manager, or if outside Culver Town Limits, the Superintendent of the Marshall County Highway Department; The Marshall County Building Inspector; A member of the staff of the Marshall County Health Department; Two (2) members of the Culver Plan Commission appointed by the Plan Commission; and any others deemed necessary by the Technical Review Committee.

2. Attendance

Members of the Committee shall either be present at the time of the scheduled Committee meeting or submit written comments regarding each specific petition to the Building Commissioner prior to the appropriate meeting. Each committee member shall only comment on the aspects of each petition that directly relate to their area of expertise regarding the applicable adopted standards of Culver. If no comments are received from any member of the Committee it shall indicate that individually they have no objection to any aspect of the petition.

3. Duties of the Building Commissioner

The Building Commissioner shall oversee the operation of the Technical Review Committee and shall make the final determination regarding any specific aspect of a petition on which members of the Technical Review Committee disagree. In cases of disagreement and at his/her discretion, the Building Commissioner may forward any petition before the Technical Review Committee to the Plan Commission for a determination on the request. The Building Commissioner shall determine the action to be taken on each petition by the Committee based on the comments of the Committee members.

4. Tabled Petitions

All petitions which are not approved by the Technical Review Committee and not forwarded to the Plan

Commission shall be denied or tabled and placed on the agenda for the next appropriate Committee meeting.

- a. Prior to that meeting the petitioner shall address the comments of the Committee, making appropriate modifications to the application materials.
- b. The petitioner shall provide appropriate copies of the revised materials prior to the next Committee meeting based on the adopted calendar of meeting and filing dates.
- c. The petitioner may withdraw any petition following the review of the Technical Review Committee by submitting a notice of such withdrawal in writing to the Building Commissioner. Any petitions which are withdrawn and are subsequently refiled shall be considered a new petition and shall be subject to all applicable requirements for new petitions established by this Ordinance.

D. Documentation Requirements

1. A site plan including the following information:
 - a. Scale of the drawing and north point;
 - b. Graphic indication of property lines; location and size of proposed and existing structures; dimensions from property lines to the furthermost projection of the structures; and distance between structures;
 - c. Location and number of required parking spaces and type of parking area surface;
 - d. Provisions for water and sewerage;
 - e. Location, width, and radii of ingress and egress ways;
 - f. Width of right-of-way and width of driving surface of adjacent street(s).
 - g. Existing infrastructure i.e., retaining walls, sewer lines, storm water lines, power lines, ditches, streams, swales, and easements;
 - h. Impervious surface calculations.
2. The method of retaining surface water and calculations, using one or more of the following:
 - a. Drywells (30 gallon per 100 square feet of paved and/or roofed area); and/or;
 - b. Retention pond (capacity, depth, size); and/or;
 - c. Detention Ponds (capacity, depth, size); and/or;
 - d. Swales and natural absorption area; and/or;
 - e. A combination of the above.
3. Record of all required County and State permits.
4. Building Elevations if applicable
5. Erosion Control Requirements
 - a. Site dewatering. Temporary sediment basins shall detain sediment-laden water flowing from the site, or retention / detention ponds as required. Also, water shall not be discharged in a manner that causes erosion in the receiving channel.
 - b. Waste and material disposal. Wastes or unused building materials, including but not limited to garbage, debris, cleaning wastes, wastewater, toxic materials, and hazardous substances, shall not be carried by runoff from a site. Proper disposal of all wastes and unused building materials, in line with the nature of the waste or material is required.
 - c. Tracking. Sediment being tracked from a site onto public roadways shall be minimized. This can be accomplished initially by a well-planned layout of roads, access drives, and parking areas of sufficient width and length and/or a temporary gravel drive into the site. However, protective covering also may be necessary. The Contractor shall remove all tracked soil from the roadways.
 - d. Sediment removal. Public right-of-ways shall be kept cleared of accumulated sediment. If appreciable sedimentation occurs after a storm event, the sediment shall be deposited on the parcels of land, if in the site, from where it likely originated.
 - e. Drain inlet protection. All storm drain inlets shall be protected against sedimentation with barriers meeting accepted design criteria, standards, and specifications.
 - f. Stabilization. Seeding requirements for all disturbed areas
 - g. Documentation of site erosion control during the time period when land disturbing activities are taking place.

E. Attendance Required

The petitioner and/or a representative of the petitioner shall be required to attend all Technical Review Committee meetings at which their petition shall be reviewed. If the petitioner or their representative is not present, the petition shall automatically be tabled and placed on the agenda for the next appropriate TRC meeting.

F. Meeting Record

The Building Commissioner shall make written documentation of the comments and findings of the Technical Review Committee for each petition and make those findings available to the petitioner within five (5) business days of the Committee's review. The written documentation shall consist of the following:

1. Action Taken
A letter to the petitioner stating the action taken by the Committee, and
2. Outstanding Comments
A list of any outstanding comments made by the members of the TRC, including references to appropriate

sections of adopted, applicable requirements of the Town Of Culver, the State of Indiana, and/or the Federal government.

G. Decision Criteria

In all cases, the Technical Review Committee shall only consider the applicable adopted requirements of this Ordinance, the Subdivision Control Ordinance, and any other adopted and applicable standards of the State of Indiana, and/or the Federal government.

1. Mandatory Approval

In all cases in which the TRC has approval authority and a petition conforms to the applicable standards, that petition shall be approved.

2. Committee Member Comments

In no case shall any petitioner be required to make any modifications to any petition based solely on the opinions or other undocumented and adopted standards of any member of the Committee.

a. This shall not be interpreted as prohibiting any committee member from providing comments which express their professional opinions regarding a petition being forwarded to the Plan Commission.

b. This shall further not be interpreted as preventing the Building Commissioner from establishing requirements for individual petitions based on professional norms in the instances where such requirements are authorized by this Ordinance.

H. Appeals

Any applicant or interested party may appeal the decision of the Technical Review Committee to the Plan Commission.

1. Relief from Specific Requirements

Applicants seeking relief from specific development standards or other requirements of the Zoning Ordinance which are unrelated to the Committee's interpretation of the applicable requirements shall be required to obtain variance approval from the Board of Zoning Appeals.

2. Appeal Procedure

All appeals of determinations of the TRC shall meet the following requirements:

a. The appealing party shall be required to provide the Building Commissioner with written notice of the appeal within thirty (30) days of the date of the Committee decision.

b. The Building Commissioner shall place the appeal on the agenda for the next appropriate Plan Commission meeting consistent with the adopted calendar of meeting and filing dates.

c. Public notice for the meeting shall be required, consistent with the provisions *Section 9, Notice of Public Hearing* of this Ordinance.

d. The Plan Commission shall consider the provisions of this Ordinance and all other documented, applicable standards in deciding the appeal.

I. Consistency

In all cases, the application materials, including any drawings which are presented to the Plan Commission, or provided to the Building Commissioner with an Improvement Location Permit application, following TRC review shall be completely consistent with those presented to the TRC, with the exception of any revisions requested by the Committee. Any petition which is inconsistent with the approval of the Technical Review Committee shall be referred back to the TRC for review and comment.

Changes to Section 9.1 Improvement Location Permit

An Improvement Location Permit is required for any of the following activities:

A new principal structure

An accessory structure as defined in section 5.9

The remodeling of an existing structure involving a change to the structure.

Decks, patios, fences, or retaining walls

Permanent Signs

In town sidewalks, curbs, or driveways

Demolition of a structure

The Building Commissioner shall require that plans and specifications be submitted with all applications for improvement location permits, including a plot plan drawn to scale. Where deemed necessary by the Building Commissioner, a boundary survey by a registered land surveyor may be required.

Improvement location permits for multi-family residential, commercial, and industrial structures shall not be issued until the required final site plan approval has been given by the Technical Review Committee.

PASSED AND ADOPTED this 27th day of September, 2016.

**TOWN COUNCIL
TOWN OF CULVER, INDIANA**

By Ginny B. Munroe

Ginny B. Munroe, President

By Sally Ricciardi

Sally Ricciardi, Vice President

By David Beggs

David Beggs, Member

By Joe Samuelson

Joe Samuelson, Member

By Tammy Shaffer

Tammy Shaffer, Member

ATTEST:

Karen A. Heim
Karen Heim, Clerk-Treasurer