

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

AGENDA

February 18, 2020
3:30 p.m.

Fourth-Floor Council Chambers
County-City Building

PUBLIC HEARINGS

No items for public hearing.

ITEMS NOT REQUIRING A PUBLIC HEARING

A. Miscellaneous

1. Affirmation of the amendments to the Solar Energy Systems Ordinance - APC #2918-20
2. Revisions to the APC Bylaws – For Discussion Purposes Only
3. 2019 Annual Report

B. Executive Director's Report

C. Minutes

1. Approval of the Minutes from the January 21, 2020 meeting.

D. Adjournment

The Title VI Coordinator has made available at this meeting/hearing a voluntary Public Involvement Survey to collect demographic data to monitor and demonstrate St. Joseph County's compliance with its non-discrimination obligations under Title VI and Federal Regulation 23CFR 200.9(b)(4), and more importantly, ensure that affected communities and interested persons are provided equal access to public involvement. Compliance is voluntary. However, in order to demonstrate compliance with the federal regulation, the information requested must be documented when provided. It will not be used for any other purpose, except to show that those who are affected or have an interest in proceedings or the proposed project have been given an opportunity to provide input throughout the process.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, TO ADOPT SECTIONS 154.511 THROUGH 154.514 SOLAR ENERGY SYSTEMS AND AMEND SECTIONS 154.070 ACCESSORY USES, BUILDING AND STRUCTURES, 154.505 THROUGH 154.506 SPECIAL REGULATIONS FOR WIND ENERGY CONVERSION SYSTEMS, 154.636 DEFINITIONS AND AMEND PERMITTED USES IN THE FOLLOWING SECTIONS, ALL IN TITLE XV, LAND USAGE, 154.091, 154.106, 154.121, 154.136, 154.151, 154.166, 154.181, 154.211, 154.276

PETITIONER: Area Plan Commission

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;

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

WHEREAS, advances in solar energy technology has made this alternative form of energy available in more parts of the Country and to more people of economic means;

WHEREAS, because the St. Joseph County Zoning Ordinance doesn't address solar energy, property must be rezoned to the I: Industrial District to permit this use which could lead to unnecessary rezoning where the district is not appropriate;

WHEREAS, this ordinance is necessary to create reasonable regulations to make this use compatible and harmonious with all of St. Joseph County, Indiana, especially its agricultural uses; and

WHEREAS, actions made by the Area Plan Commission over the past year to make solar permitted and regulations that promote the best solar development, including this ordinance, will allow St. Joseph County, Indiana to achieve SolSmart Gold Status, letting installers and residents across the country know that St. Joseph County is the highest level of solar friendliness.

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

SECTION 1.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.070 Accessory Uses, Buildings and Structures as amended, is hereby further amended and supplemented as follows:

154.070 ACCESSORY USES, BUILDINGS AND STRUCTURES.

(A) *Primary Accessory Uses, Buildings and Structures.*

(4) By way of example only, some typical accessory uses, buildings and structures are:

~~(1)~~ (a) In Agricultural Districts: barns; grain silos; fences; solar panels; and, storage buildings.

~~(2)~~ (b) In Residential Districts: garages; carports; porches; decks; awnings; canopies; mini-barns; storage sheds; patios; outdoor fireplaces; bathhouses; cabanas; children's playhouses; swings; game courts, including tennis or basketball courts; fences; parking areas; signs; swimming pools; hot tubs; radio sending and receiving antennas; satellite dish antennas; solar panels; and, storage buildings.

~~(3)~~ (c) In Business / Commercial Districts: garages; storage sheds or buildings; fences; trash containers; recycling containers; drive through facilities; solar panels; gasoline pump islands and canopies.

~~(4)~~ (d) In Industrial Districts: garages; storage sheds or buildings; fences; trash containers; solar panels; and, recycling containers.

(C) *Additional Development Standards for Accessory Uses, Buildings or Structures.*

(1) Residential Districts – Accessory uses, buildings or structures permitted in any Residential District or as an accessory use, building or structure to any residential use in any other district established by this Chapter shall also comply with the following additional development standards:

(g) Renewable energy systems. See §§ 154.505 through 154.516.

~~(g)~~ (h)

(2) *Business/commercial districts and industrial districts.* Accessory uses, buildings or structures permitted in any Business / Commercial District or any Industrial District shall also comply with the following additional development standards:

(h) Renewable energy systems. See §§ 154.505 through 154.516.

SECTION 2.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.091 Permitted Uses in the A: Agricultural District as amended, is hereby further amended and supplemented as follows:

154.091 PERMITTED USES

(A) *Primary uses.*

(12) Renewable energy systems. See §§ 154.505 through 154.516;

(B) *Special uses.*

(16) Renewable energy systems. See §§ 154.505 through 154.516;

~~(20) Wind energy facility, per the requirements of §§ 154.505 through 154.510~~

(C) *Accessory uses.*

~~(8) Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510;~~ Renewable energy systems. See §§ 154.505 through 154.516.

SECTION 3.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.106 Permitted Uses in the R: Single Family District as amended, is hereby further amended and supplemented as follows:

154.106 PERMITTED USES

(A) *Primary uses.*

(11) Renewable energy systems. See §§ 154.505 through 154.516;

(B) *Special uses.*

(16) Renewable energy systems. See §§ 154.505 through 154.516;

~~(18) Wind energy facility, per the requirements of §§ 154.505 through 154.510~~

(C) *Accessory uses.*

- (8) ~~Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510.~~ Renewable energy systems. See §§ 154.505 through 154.516.

SECTION 4.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.121 Permitted Uses in the R-2: Residential District as amended, is hereby further amended and supplemented as follows:

154.121 PERMITTED USES

(A) *Primary uses.*

- (8) Religious uses;

(11) Renewable energy systems. See §§ 154.505 through 154.516;

(B) *Special uses.*

(4) Renewable energy systems. See §§ 154.505 through 154.516;

(C) *Accessory uses.*

- (3) ~~Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510.~~ Renewable energy systems. See §§ 154.505 through 154.516.

SECTION 5.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.136 Permitted Uses in the O/B: Office/Buffer District as amended, is hereby further amended and supplemented as follows:

154.136 PERMITTED USES

(A) *Primary uses.*

(5) Renewable energy systems. See §§ 154.505 through 154.516;

(B) *Special uses.*

(2) Renewable energy systems. See §§ 154.505 through 154.516;

(C) *Accessory uses.*

- (5) ~~Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510.~~ Renewable energy systems. See §§ 154.505 through 154.516.

SECTION 6.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.151 Permitted Uses in the O: Office District as amended, is hereby further amended and supplemented as follows:

154.151 PERMITTED USES

(A) *Primary uses.*

(13) Renewable energy systems. See §§ 154.505 through 154.516;

(B) *Special uses.*

(2) Renewable energy systems. See §§ 154.505 through 154.516;

(C) *Accessory uses.*

~~(5) Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510.~~ Renewable energy systems. See §§ 154.505 through 154.516.

SECTION 7.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.166 Permitted Uses in the B: Business District as amended, is hereby further amended and supplemented as follows:

154.166 PERMITTED USES

(A) *Primary uses.*

(57) Renewable energy systems. See §§ 154.505 through 154.516;

(B) *Special uses.*

(5) Renewable energy systems. See §§ 154.505 through 154.516;

(C) *Accessory uses.*

~~(2) Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510.~~ Renewable energy systems. See §§ 154.505 through 154.516.

SECTION 8.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.181 Permitted Uses in the C: Commercial District as amended, is hereby further amended and supplemented as follows:

154.181 PERMITTED USES

(A) *Primary uses.*

(64) Renewable energy systems. See §§ 154.505 through 154.516;

(B) *Special uses.*

(14) Renewable energy systems. See §§ 154.505 through 154.516;

~~(15) Wind energy facility, per the requirements of See §§ 154.505 through 154.510;~~

(C) *Accessory uses.*

~~(2) Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510.~~ Renewable energy systems. See §§ 154.505 through 154.516.

SECTION 9.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.211 Permitted Uses in the I: Industrial District as amended, is hereby further amended and supplemented as follows:

154.211 PERMITTED USES

(A) *Primary uses.*

(13) Electric power generating facilities, public, subject to the following development standards:

(b) For renewable ~~power generation~~ energy systems, see §§ 154.505 to ~~154.510~~ 154.516;

(B) *Special uses.*

(6) Electric power generating facilities, private, subject to the following development standards:

(b) For renewable ~~power generation~~ energy systems, see §§ 154.505 to ~~154.510~~ 154.516;

~~(21) Wind energy facility, per the requirements of §§ 154.505 through 154.510~~

(C) *Accessory uses.*

(2) ~~Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510.~~ Renewable energy systems. See §§ 154.505 through 154.516.

SECTION 9.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.276 Permitted Uses in the U: University District as amended, is hereby further amended and supplemented as follows:

154.276 PERMITTED USES

(A) *Primary uses.*

(6) Renewable energy systems. See §§ 154.505 through 154.516;

(B) *Special uses.*

~~(4) Wind energy farms per the requirements of §§ 154.505 through 154.510. (Ord. 69-09, §§ 9, 10, passed 8-11-2009)~~ and Renewable energy systems. See §§ 154.505 through 154.516;

(C) *Accessory uses.*

(5) ~~Small wind energy conversion system, per the requirements of §§ 154.505 through 154.510;~~ and Renewable energy systems. See §§ 154.505 through 154.516; and

SECTION 10.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Sections 154.505 through 154.506 Special Regulations for Wind Energy Conversion Systems as amended, is hereby further amended and supplemented as follows:

SPECIAL REGULATIONS FOR WIND ENERGY CONVERSIONS SYSTEMS
RENEWABLE ENERGY SYSTEMS

154.505 WIND ENERGY CONVERSION SYSTEMS; INTENT

154.506 WIND ENERGY CONVERSION SYSTEMS; GENERAL

(B) *Districts permitted.* ~~A SWECS is permitted in all zoning districts as an accessory use; a WEF is permitted as a Special Use in designated zoning districts. SWECS and WEF shall be permitted in accordance with the following table:~~

<i>Use Table for Wind Energy Conversion Systems</i>		
<i>Accs. - Accessory Use</i> <i>SU - Special Use</i>		
<i>District</i>	<i>SWECS</i>	<i>WEF</i>
A: Agricultural	Accs.	SU
R: Single Family	Accs.	SU
R-2: Residential	Accs.	-
O/B: Office/Buffer	Accs.	-
O: Office	Accs.	-
B: Business	Accs.	-
C: Commercial	Accs.	SU
I: Industrial	Accs.	SU
U: University	Accs.	SU

SECTION 11.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, as amended, is hereby further amended and supplemented as follows to add Sections 154.511 – 154.516 Solar Energy Systems:

154.511 SOLAR ENERGY SYSTEMS (“SES”); INTENT

This subchapter provides for the implementation of solar energy systems, which convert the power of the sun into the generation of electricity. St. Joseph County finds that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts and promote sustainable development. As such, the County supports the use of solar energy collection systems and in no way are these regulations intended to severely limit the siting of solar energy systems. These regulations consider the unique needs of solar energy systems and provide for the most efficient use of this renewable energy system. These sections are also intended to protect the character of residential neighborhoods and commercial corridors. Solar energy systems should be sited and constructed in a way that is harmonious and even benefit the agricultural uses in the County.

154.512 SOLAR ENERGY SYSTEMS (“SES”); APPLICABILITY

All new development or additions to existing developments within unincorporated areas of St. Joseph County shall site, construct, install, and decommission any solar energy system (“SES”) as required by this subchapter.

154.513 SOLAR ENERGY SYSTEMS (“SES”); GENERAL

(A) *Classification.* Solar energy systems (“SES”) shall be classified as either a Building-mounted SES or Ground-mounted SES.

(1) Building-mounted SES is a solar energy system that is structurally mounted to a building or structure. Building-mounted SES shall be further classified as follows:

(a) Roof-mounted SES is a Building-mounted SES that is structurally mounted and solely supported by the roof of a building or structure; or

(b) Façade-mounted SES is a Building-mounted SES that is structurally mounted and solely supported by the façade of a building or structure.

(2) Ground-mounted SES is a solar energy system that is structurally mounted to the ground. Ground-mounted SES shall be further classified as follows:

(a) Small-scale SES is a Ground-mounted SES that is less than or equal to 40,000 square feet in panel area; or

(b) Large-scale SES is a Ground-mounted SES that is more than 40,000 square feet in panel area.

(B) *Districts permitted.* SES shall be permitted in accordance with the following table:

<i>Use Table for Solar Energy Systems</i>				
<i>Accs. - Accessory Use P - Primary Use SU - Special Use</i>		<i>Building-mounted SES</i>	<i>Ground-mounted SES</i>	
<i>District</i>	<i>Lot Size</i>		<i>Small-scale SES</i>	<i>Large-scale SES¹</i>
A: Agricultural	Any	Accs.	P	P
R: Single Family	Less than 5 acres	Accs.	Accs.	SU
	5 acres or more	Accs.	P	SU
R-2: Residential	Less than 5 acres	Accs.	Accs.	SU
	5 acres or more	Accs.	P	SU
O/B: Office/Buffer	Any	Accs.	Accs.	SU
O: Office	Any	Accs.	Accs.	SU
B: Business	Any	Accs.	Accs.	SU
C: Commercial	Any	Accs.	P	SU
I: Industrial	Any	Accs.	P	P
U: University	Any	Accs.	P	P

¹*Preferred siting.* Large-scale Ground-mounted SES shall be a permitted use on any brownfield, sites on the Superfund National Priorities List, above a parking lot, and former landfills.

(C) *Building permit.* A building permit is required for the installation of all SES.

(D) *Compliance with other laws and ordinances.* All SES shall comply with all Federal, State and local laws and ordinances not in conflict with this Division, including but not limited to building codes, fire codes, placement in floodplains and historic preservation districts.

(E) *Compliance with Federal Aviation Agency (FAA) regulations.* SES must comply with any applicable FAA regulations, including any necessary approvals for installations close to airports.

(F) *Signs.* No signs, unless listed as Exempt Signs in § 154.373, shall be placed on SES structures.

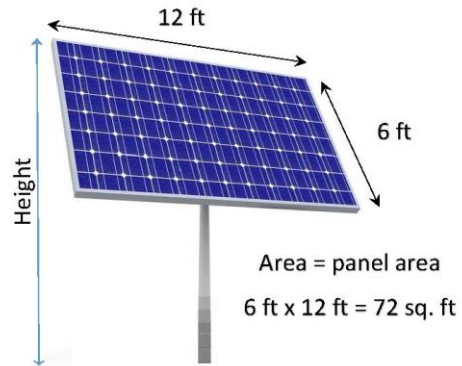
(G) *Method of Measurement.* SES are measured in the following manner:

(1) *Area* – The area of the SES shall be determined by the total surface area of all the panels located on a lot.

(2) *Height* – The height of the SES shall be calculated as the distance from grade or roof to the top of the solar panel at its greatest incline.

(3) *Projection* – The projection of a Façade-mounted SES is measured from the façade to the outside edge of the SES that is perpendicular to the ground.

(4) *Setback* – Setbacks for Ground-mounted SES shall be measured from the property line to the edge of the SES panels.



(H) *Historic Districts.* All SES within a local historic district or local landmark require a Certificate of Appropriateness from the Historic Preservation Commission.

(I) *Septic field.* Ground-mounted SES shall not be located over a septic field, unless approval is granted from the St. Joseph County Health Department.

154.514 BUILDING-MOUNTED SOLAR ENERGY SYSTEMS (“SES”); DEVELOPMENT STANDARDS

(A) *Height.* Roof-mounted SES may exceed the maximum allowed building height of the building or structure on which it is located by five (5) feet in residential districts and ten (10) feet in all other districts.

(B) *Projection.* Façade-mounted SES may project off a building façade up to three (3) feet into the required setback.

(C) *Legal nonconforming.* Building-Mounted SES may be installed on:

(1) Legally established nonconforming buildings as long as the installation of the SES does not increase the nonconformity, except for the allowances in height and projection as outlined above; or

(2) Accessory to legally established nonconforming uses as long as the installation of the SES does not increase the nonconformity.

(D) *Safety and Emergency Access.* Building-mounted SES shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunities, and provide emergency access to the roof. Building-

mounted SES shall be located in accordance with the Indiana Fire Code and enforced by the City of South Bend / St. Joseph County Building Department.

**154.515 GROUND-MOUNTED SOLAR ENERGY SYSTEMS (“SES”);
DEVELOPMENT STANDARDS**

(A) *Accessory buildings.* Ground-mounted SES shall not be calculated in the maximum area of accessory buildings.

(B) *Maximum height.* Ground-mounted SES shall not be taller than twenty-two (22) feet above grade.

(C) *Minimum setback.* Ground-mounted SES shall meet the required setbacks of the district in which they are located. Setbacks shall be the same as what is required for accessory buildings.

(D) *Maximum lot coverage.* Ground-mounted SES shall not be calculated in the floor area ratio of the district in which they are located.

(E) *Landscaping required.* Accessory use SES for residential uses shall be exempt from all required landscaping. All other SES shall be exempt from any required landscaping except for the following:

(1) Pollinator-friendly seed mixes and native plants are required around the SES at a rate of two (2) square feet of plantings for every one (1) square foot of solar panels. For reference, best practices, and maintenance information see *Technical Guide: Establishment and Maintenance of Pollinator-Friendly Solar Projects (2020) – Northern Indiana – Michiana Area Council of Governments, as amended.*

(2) The Zoning Administrator may approve the redistribution of the required landscaping to other locations on the site.

(F) *Power lines.* Power transmission lines, not including lines that connect one panel to another or from the project to the main transmission lines, from Ground-mounted SES must be underground and must be completely shielded against shock hazard.



(G) *Pavement.* Driveways shall be paved with hard surfaced with asphalt, concrete, pervious pavement, pavers or other material to provide a durable, dust-free surface which meets the minimum specifications prescribed by the County Engineer for the first 50' from the edge of pavement. Interior access drives, and interior access driveways are not required to be paved.

(H) *Off-street parking.* Parking areas are exempt from the off-street parking regulations in §§ 154.415 through 154.423, but must still meet the required setbacks in the underlying zoning district and the landscaping requirements contained in this section.

154.516 ABANDONMENT AND REMOVAL OF GROUND-MOUNTED SOLAR ENERGY SYSTEMS

(A) *Decommissioning and removal.* Any Ground-mounted SES which has reached the end of its useful life or has been abandoned shall be removed by the owner. The owner or operator shall physically remove the installation no more than 120 days after the date of discontinued operations, or by a timeframe determined by the Zoning Administrator for extenuating circumstances. For large-scale SES, decommissioning shall consist of:

- (1) Physical removal of all SES, structures, and equipment from the site;
- (2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and
- (3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Zoning Administrator may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

(B) *Abandonment.* Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Ground-mounted SES shall be considered abandoned when it fails to operate for more than one year without the written consent of the Zoning Administrator.

(C) *Right to remove.* If the owner or operator of the Ground-mounted SES fails to remove the installation in accordance with the requirements of this section within 90 days of abandonment or the proposed date of decommissioning, the County retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned Ground-mounted SES. As a condition of issuance of an Improvement Location Permit, the applicant and landowner shall agree to allow entry to remove an abandoned, hazardous, or decommissioned installation.

(D) *Security fund.* Any owner of a Ground-mounted SES over 200,000 square feet in panel area shall establish a cash security fund, bond, irrevocable letter of credit or other means to secure the payment of removing any abandoned SES, including the solar panels and associated equipment and buildings that have been determined to be abandoned, or found to be in non-compliance with this chapter, and to provide St. Joseph County a fund from which to deduct

finances and penalties for non-compliance with this Chapter or other applicable laws in the amount of 125% of the cost of demolition and removal of the SES, up to a maximum of \$250,000, based upon a licensed engineer's estimate of the cost of demolition and removal. Any reduction in the security fund provided, because of deductions of fines, penalties, or removal costs, shall be replenished to the total of the required amount within 30 days after notice from St. Joseph County of the amount deducted and the deficiency created hereby. Within a reasonable period of time, not to exceed three months after the SES is removed, any remaining funds on deposit with St. Joseph County pursuant to this Chapter, after application and above all expenses provided for herein, shall be refunded to the appropriate owner or provider who created the security fund. The requirement for a security fund shall not apply to a municipal corporation or a school corporation, as defined in IC 36-1-2-10 and 17 respectively.

SECTION 12.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.636 Definitions, as amended, is hereby further amended and supplemented as follows:

154.636 DEFINITIONS

SOLAR ENERGY SYSTEM (SES). An energy system that uses the power of the sun to capture, store, and transmit energy.

SECTION 13.

This ordinance shall be in full force and effect from and after its enactment and publication as required by law, and full execution of any conditions of Commitments placed upon the approval.

MEMBER, ST. JOSEPH COUNTY COUNCIL

AREA PLAN COMMISSION
OF
ST. JOSEPH COUNTY, INDIANA
BY-LAWS

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Article I.

Repeal of Existing By-Laws

The by-laws officially adopted by the Area Plan Commission of St. Joseph County, Indiana, on July 19, 2011, are hereby repealed.

Article II.

Name, Statutory Authority and Jurisdictional Boundaries

Section 1. Name

The legal name of the Commission shall be “The Area Plan Commission of St. Joseph County, Indiana,” hereinafter referred to as “The Commission.”

Section 2. Statutory Authority

The Commission functions under the authority of Indiana Code 36-7-4-100 et seq., and pursuant to ordinances enacted on October 5, 1964, by the Board of County Commissioners of St. Joseph County, Indiana, and Ordinance Number 4691-64 enacted on October 28, 1964, by the Common Council of the City of South Bend, Indiana. Pursuant to said statute and local ordinances, the following jurisdictions in St. Joseph County are also members the Commission: Town of Roseland (Ordinance adopted October 11, 1965), Town of Lakeville (Ordinance No. 100, adopted January 3, 1966), Town of North Liberty (Ordinance No. 2-1966, adopted May 4, 1966), Town of New Carlisle (Ordinance 396, adopted May 15, 1973) and the Town of Osceola (Ordinance No. 15-1996, adopted December 16, 1996). The Commission maintains its statutory authority as an Area Plan Commission as long as St. Joseph County, Indiana and one municipality remain members.

Section 3. Jurisdiction

Pursuant to said statute and ordinances in Section 2, above, the Commission exercises its designated authority in all of its member jurisdictions.

Article III.

Membership, Qualifications, and Terms of Office

The membership of the Commission, the qualifications of members, and their terms of office shall be as set out and provided for in Indiana Code 36-7-4-207 through 36-7-4-220, as amended.

Article IV.

Officers and Responsibilities

Section 1. Officers

1. The officers of the Commission shall include a President, Vice-President, Secretary, and an Assistant Secretary.
2. The election or appointment of the President, Vice-President and Secretary shall be pursuant to Indiana Code 36-7-4-303 and 36-7-4-304, as amended.
3. The President and Vice-President shall serve respectively in said capacities for a maximum of three (3) consecutive terms of one (1) year each.
4. The Executive Director of the Commission, by virtue of their office, is hereby designated as the Secretary of the Commission (Secretary).
5. In order to assure fulfillment of the duties of the Secretary in their absence, the Secretary shall appoint a senior member of the planning staff as the Assistant Secretary of the Commission for the duration of the absence.

Section 2. Responsibilities of the President

The President of the Commission shall have the following responsibilities:

1. Preside at all regular and special meetings and public hearings of the Commission.
2. Determine, with the assistance of the Secretary, the agenda for all regular and special meetings and public hearings of the Commission, provided, however, that any two (2) members, upon written notice to the Secretary, may place an item or items on the agenda.
3. Appoint members and designate chairpersons of committees except the Executive Committee and the Plat Committee.
4. Sign for and on behalf of the Commission, documents which require the President's signature.

Section 3. Responsibilities of the Vice-President

The Vice-President of the Commission shall perform the duties incumbent upon the President of the Commission during the absence or disability of the President (IC 36-7-4-303).

Section 4. Responsibilities of the Secretary

The Secretary of the Commission shall have the following responsibilities:

1. In the absence or disability of both the President and the Vice-President, call the meeting to order and preside until the membership, as its first order of business, elects a President Pro-Tem who shall preside over the remainder of the meeting. The Secretary cannot act as President Pro-Tem.

2. Maintain custody of the official seal of the Commission and perform all other duties pursuant to IC 36-7-4-312.
3. Assist the President of the Commission in preparation of the agenda for all regular and special meetings and public hearings.
4. Distribute the agenda and staff reports for all regular meetings to all Commission members at least five (5) days in advance of the date of the meeting.
5. Distribute written notice for all special meetings to all Commission members at least three (3) days in advance of the date of the meeting (IC 36-7-4-307), unless set at a regular meeting.
6. Give notice, by publication in one newspaper of general circulation in St. Joseph County, of the date, time, and place of all public hearings at least ten (10) days in advance of the date of the hearing.
7. Record, attest after approval, and maintain the minutes of all regular and special meetings and public hearings on file in the office of the Commission and open to the public.
8. Maintain one copy of all official documents in the office of the Commission.

Section 5. Responsibilities of the Assistant Secretary

The Assistant Secretary of the Commission shall perform the duties incumbent upon the Secretary of the Commission during the absence or disability of the Secretary.

Article V.

Meetings

Section 1. Regular and Special Meetings

Regular meetings of the Commission shall be held on the third Tuesday of each month at 3:30 P.M., South Bend (Eastern Standard) time. Special meetings of the Commission shall be called by the President or by two (2) members upon written request to the Secretary.

Section 2. Quorum for Meetings

Pursuant to Indiana Code 36-7-4-301, a majority of the entire membership of the Commission shall constitute a quorum for meeting purposes.

Section 3. Quorum for Taking Action

Pursuant to Indiana Code 36-7-4-301, a majority of the entire membership of the Commission shall constitute a quorum required to take any official action.

Article VI.

Order of Business

Section 1. Regular Meetings

The order of business at any regular meeting of the Commission shall be:

1. Roll Call
2. EXECUTIVE SESSION
 - a. Election of Officers
 - b. Appointment of Plat Committee
 - c. Appointment of Executive Committee
 - d. Appointment of ABZA Representative
 - e. Ratification of motion
3. PUBLIC HEARINGS
 - a. Rezoning (Zone map amendments)
 - b. Written Commitments (adopt, modify or terminate)
 - c. Text Amendments
 - d. Appeals from Decisions of the Plat Committee
 - e. Comprehensive Plans
4. ITEMS NOT REQUIRING A PUBLIC HEARING
 - a. Miscellaneous
 - i. Findings of Fact
 - ii. Meeting Schedules
 - iii. APC Resolutions (Fee Schedules, etc.)
5. Executive Director's Report
6. Approval of Minutes
7. Adjournment

The President may move to amend the order of an agenda item upon a motion by the Commission.

Section 2. Special Meetings

The order of business at any Special Meeting of the Commission shall be determined by the President of the Commission.

Article VII.

Committees

Section 1. Executive Committee

The ~~An~~ Executive Committee may be established (~~Resolution #35-74~~) and shall function as set out in Indiana Code 36-7-4-408, as amended. ~~An Executive Committee was established, and subsequently expanded per Resolution #35-74.~~ The President and Vice-President of the Commission, by reason of their office, shall serve as the Chairman and Vice-Chairman, respectively, of the Executive Committee. Meetings of the Executive Committee may be called by the Chairman or by two (2) members of the Committee. The Executive Committee may be charged with the responsibility of advising and counseling the Executive Director of the Commission in budget, personnel, and other administrative matters. The Executive Committee, ~~if established~~, shall be charged with its responsibilities and its operation governed by resolution(s) adopted by the Commission.

Section 2. Plat Committee

The Plan Commission may appoint a Plat Committee (~~Resolution #067-82 & #088-86~~) to hold hearings on and approve subdivision plats behalf of the Commission as set out in Indiana Code 36-7-4-701, as amended. ~~A Plat Committee was established per Resolution #067-82 and its membership expanded per Resolution #088-86.~~ The Plat Committee may adopt rules of procedures and by-laws to govern its actions.

Section 3. Site Plan Committee

The Executive Committee shall serve as the Site Plan Committee to determine appeals of Staff decisions on major changes to approved final site plans (~~Resolution #35-74~~).

Section 4. Special Committees

The President of the Commission may establish such Special Committees as may be deemed necessary from time to time. The President shall appoint the members of Special Committees, charge the members with their responsibilities, and designate the Chairman of the Committee.

Section 5. Advisory Council on Town Affairs

The Advisory Council on Town Affairs shall be established and shall function as set out in Indiana Code 36-7-4-210, as amended.

Section 6. Citizens' Advisory Councils

The Commission may establish Citizens' Advisory Councils as may be deemed necessary from time to time as set out in Indiana Code 36-7-4-407, as amended. The President shall appoint the members of Citizens' Advisory Councils, charge the members with their responsibilities, and designate the Chairman of the Committee.

Article VIII.

Conflict of Interest

1. A member of the Commission is disqualified and may not participate in any hearings, recommendations or decisions of said Commission concerning a legislative act as described in IC 36-7-4-1016, in which the member has a direct or indirect financial interest.
2. Members who disqualify themselves shall leave the dais during the particular action that they have disqualified themselves from participating.
3. A member of the Commission is disqualified and may not participate in any hearings of said Commission concerning a zoning decision as described in IC 36-7-4-1016, if the member is biased or prejudiced or otherwise unable to be impartial; or the member has a direct or indirect financial interest in the outcome of the zoning decision.

Article IX.

Rules of Procedures for Matters Requiring a Public Hearing

Section 1. General

1. Subject to the provisions of Indiana Code, Sections 36-7-4-100 et seq., as amended, public hearings shall be held on the adoption or amendment of any comprehensive plan, the adoption or amendment of a zoning ordinance, and when required, for the approval of a plat.
2. Before a member of the Commission may make a motion, ask a question, or be heard, the member must obtain recognition from the President. No member is entitled to be recognized by the President a second time on the same public hearing item as long as any other member who has not been heard desires to be recognized. If the member who makes the motion requests recognition from the President and has not already been heard on the item under consideration, that member shall be entitled to be recognized in preference to other members.
3. Decisions of the Commission shall be by voice vote of the members. In the event that a voice vote cannot determine the majority of the quorum, the President may call for a vote by show of hands.
4. All members present shall vote on every question unless they disqualify themselves or are excused from voting by a majority of the members present.
5. All exhibits submitted to the Commission by a presenter shall become the property of the Commission and a part of the petition file. The staff shall make the exhibits available to the presenter for subsequent public hearings ([see Article XIII Exhibits](#)).
6. Every person who addresses the Commission shall preface their remarks by giving their name and address. Either prior to speaking or after speaking, every speaker shall place their name and address on the sign-in sheet provided. All comments and exhibits offered shall be germane to the subject matter of the petition. All comments shall be directed to the Commission and not to the audience.

7. Written statements either in favor or in remonstrance addressed to the Commission shall be identified during the Staff Report by number and general description only, and copies presented to the Commission.

Section 2. Notice of Public Hearing

1. Notice of a Public Hearing shall be published in a local paper of general circulation in conformance with I.C. 36-7-4-604, as amended. The staff shall also notify interested parties by mail (see Article XI).
2. In the case of a rezoning petition, the petitioner shall be required to post sign(s) on the property in question. The staff shall determine the number of signs that will be required for each property and notify the petitioner. The petitioner is responsible for posting the signs no later than ten (10) days before the public hearing. The petitioner is responsible for ensuring that the sign remains posted until the petition receives final action by the legislative body. If the sign is lost or otherwise destroyed, the petitioner shall obtain a new sign from the staff. The sign shall be removed by the petitioner within fifteen (15) days of the final decision by the legislative body.

Section 3. Public Hearings

1. Reading of Petition by Recording Secretary

The Recording Secretary shall read the short title or description of the petition as it appears on the agenda.

2. Staff Report

A Staff member shall present a Staff Report to the Commission. The Staff Report shall include information pertinent to the petition being presented and conclude with a recommendation.

3. Presentation by Petitioner

- a. The petitioner, and/or their counsel or agents as identified below, shall address the Commission and be responsible for presenting the facts and arguments in support of the petition.
- b. The petitioner includes the property owner, contingent purchaser, realtor, attorney, design professional, or any other individual or company employed by the petitioner.
- c. The petitioner's presentation shall be limited to ~~30 minutes~~ **fifteen (15) minutes.**
- d. The burden is upon the petitioner to supply all information, including charts, plats, diagrams, and other exhibits necessary for a clear understanding of the petition. Any materials distributed at the meeting to individual Commission members shall be of sufficient quantity so that each Commission member receives a copy plus one copy each for the staff and the Commission attorney.
- e. A copy of all materials presented by the petitioner shall become the property of the Commission and be a part of the file.

- f. Any illustrations of the proposed project presented by the petitioner shall be deemed to be a representation by the petitioner as to how the project shall be developed and shall also be made part of the file.

4. Questions by Commission, Staff or Commission Attorney

The Commission, Staff or the Commission Attorney may ask any questions relative to the petition. At the conclusion of this question and answer session, the President shall open the discussion to the public.

5. Presentations by those in favor of the Petition

- a. Any member of the public may address the Commission to speak in favor of the petition and present facts and arguments in support of the petition. A speaker shall not repeat previously made points.
- b. Each speaker shall be limited to **five three (3) minutes** and may not address the Commission a second time unless it is in **response to a question from the Commission.**
- c. Any questions or comments raised by those in favor of the petition may be answered by the petitioner, Staff, or Commission Attorney during **steps 7 and 8 below.**

6. Presentations by those opposed to the Petition

- a. Any member of the public may address the Commission to speak in opposition to the petition and present facts and arguments in opposition to the petition. A speaker shall not repeat previously made points.
- b. Each speaker shall be limited to **five three (3) minutes** and may not address the Commission a second time unless it is in **response to a question from the Commission.**
- c. Any questions or comments raised by those opposed to the petition may be answered by the petitioner, Staff, or Commission Attorney during steps 7 and 8 below.

At the conclusion of the presentations by those opposed to the petition, the President shall close the discussion to the public.

7. Rebuttal by Petitioner

- a. The President shall offer the petitioner the opportunity for rebuttal. The rebuttal shall be limited to **(10) five (5) minutes.**
- b. The Petitioner may answer questions raised or rebut evidence or arguments presented during the public discussion. No new matters or arguments shall be presented during rebuttal. In the case of any evidence or arguments first raised during rebuttal, the President may instruct the Commission to disregard such matters or may permit additional comment by the public after which the petitioner shall not rebut.

- 8. Questions and Comments by Commission, Staff and Commission Attorney**

- a. The President shall entertain any additional questions by the Commission members to the staff or Commission Attorney.
 - b. The President and Commission members may also direct questions to the petitioner. The individual to whom such question is addressed shall answer it without additional rebuttal or comment.
 - c. At the conclusion of all questions and comments, the President shall ask the staff or Commission Attorney for any final comments they may have.
9. Commission Vote on the Proposal
- a. The President shall then entertain a motion for appropriate action. The vote shall be by voice. In the event that a voice vote cannot determine the majority of the quorum, the President may call for a vote by show of hands.
 - b. For combined public hearings, each separate request (i.e. zonings, variances or plats) shall require a separate motion and vote following the same procedure outlined below.
 - c. The sequence of the vote shall occur as follows:
 - i. An initial motion of either a favorable recommendation or an unfavorable recommendation shall first be considered by the Commission.
 - ii. If the initial motion does not receive the necessary votes for passage, then the alternative of the initial motion shall be considered by the Commission.
 - iii. If the Commission cannot reach either a favorable recommendation or an unfavorable recommendation, then the Commission may consider a motion to forward the petition without a recommendation.
 - iv. The Commission may consider a motion to table a petition to the next regularly scheduled Commission meeting for the sole purpose of obtaining additional information from the petitioner or staff, or at the express request of the petitioner.
 - d. At the conclusion of the vote or votes on the petition, the President shall ask the Recording Secretary to read the next petition on the Commission's public hearing agenda. All public hearings shall follow the above procedures.

Article X.

Rules of Procedure for Matters not Requiring a Public Hearing

Section 1. General

1. Although the petitioner or his counsel or agent need not be present for the petition to be considered by the Commission, it is strongly recommended that the petitioner or his representative be present if the matter to be considered by the Commission is likely to precipitate questions by the Commission members.

2. Any affected citizen may submit to the Commission's office, on any matter not requiring a public hearing, a written statement, petition or remonstrance.
3. Decisions of the Commission shall be by voice vote of the members. In the event that a voice vote cannot determine the majority of the quorum, the President may call for a vote by show of hands.
4. All members present shall vote on every question unless they disqualify themselves or are excused from voting by a majority of the members present.
5. All exhibits submitted to the Commission by the petitioner or remonstrator shall become the property of the Commission and a part of the petition file.

Section 2. Presentation Order

1. Staff Report

A staff member may present a Staff Report outlining the proposal before the Commission. The report may be in either written or oral form, **or both**.

2. Staff Recommendation

The Staff shall state its recommendation supported by information contained in the Commission file and any other information, including charts, plats, diagrams, and other exhibits necessary for a clear understanding of their position.

3. Questions by Commission, Staff and Commission Attorney

The Commission, Staff or the Commission Attorney may ask questions relative to the petition. The individual to whom such question is addressed shall answer it without additional rebuttal or comment.

4. Commission Vote on the Proposal

- a. At the conclusion of all presentations, the Chair shall entertain a motion for appropriate action. The vote shall be by voice vote. In the event that a voice vote cannot determine the majority of the quorum, then the President may call for a vote by show of hands.
- b. The Sequence of the vote shall occur per Article IX, Section 3 subsection 9.
- c. At the conclusion of the vote on the petition, the President shall ask the Recording Secretary to read the next petition on the Commission's meeting agenda. All meetings for matters not requiring a public hearing shall follow the above procedures.

Article XI

Interested Parties

The Area Plan Commission is required by law to determine by rule for all rezonings petitions and subdivisions under the jurisdiction of the Commission, who are interested parties; how notice is given to the interested parties; and who is to give the notice.

1. Items Requiring a Public Hearing such as Rezoning Petitions (including combined public hearings), Major Primary Subdivisions, Type 3 Corrective Plats, and Appealed Final Planned Unit Development Plans.
 - a. Within the unincorporated areas of St. Joseph County, interested parties are those property owners within six-hundred and sixty (660) feet of the boundaries of the property under consideration, the petitioner, and the Staff of the Area Plan Commission.
 - b. Within the incorporated limits of the Commission's member municipalities, interested parties are those property owners within three-hundred (300) feet of the boundaries of the property under consideration, the petitioner, and the Staff of the Area Plan Commission.
 - c. Written notice of the public hearing shall be mailed to the interested parties by the Staff of the Area Plan Commission at least ten (10) days before the date of the initial public hearing date for the proposed action.
2. Items Not Requiring a Public Hearing such as Minor and Replat Subdivisions, Type 1 and Type 2 Corrective Plats, and Plat Vacations where all of the property owners have joined in the petition.
 - a. Interested parties are the Staff of the Area Plan Commission and the petitioner.
 - b. Written notice of the meeting shall be sent to the petitioner by the Staff of the Area Plan Commission at least ten (10) days before the date of the initial meeting on the action.
3. Plat Vacations where not all of the property owners have joined in the petition.
 - a. The following are deemed to be Interested parties:
 - i. All owners of land within the entire plat of which the proposed vacation is part of.
 - ii. Within unincorporated areas, all property owners within six-hundred and sixty (660) feet, and within the incorporated limits of the Commission's member municipalities (three-hundred (300) feet of any portion of the major subdivision proposed to be vacated.
 - iii. The Staff of the Area Plan Commission.
 - iv. The property owner(s) applying for the vacation.
 - b. Written notice of the meeting shall be mailed to the interested parties by the Staff of the Area Plan Commission at least ten (10) days before the date of the initial public hearing date for the proposed action.

Article XII

Ex Parte Communication

No petitioner, person in favor of a petition, nor remonstrator against a petition shall communicate with any member of the Commission before a hearing with the intent of influencing the member's action on a matter pending before the Commission. It is the responsibility of Commission members not to communicate with individuals outside of the hearing. Those members of the Commission who by virtue of their positions, i.e. the County Surveyor or City Public Works Director, who are responsible for reviewing drainage, traffic impacts, etc., may have contact with petitioners or members of the public, but at no time shall the petitioner or members of the public try to influence the member's opinion. In addition, elected officials whose duties include listening to constituents' opinions, complaints, etc. may also have contact with petitioners and members of the public prior to a public hearing.

Article XIII

Exhibits

The Commission hereby establishes the following rules and procedures for the archiving of and the disposition of exhibits received by the Commission:

1. All exhibits will be available for view to the general public and will be made available to the Petitioner and the respective Councils for their public hearings.
2. All exhibits will be scanned or photographed by the Commission to be kept and archived in the Commission's files.
3. Prior to final disposition of the exhibit(s), the petitioner or their representative **and any member of the public who submitted an exhibit or exhibits during their presentation**, will be notified by first class mail, e-mail, or a telephone call, or a combination of all three, and have an opportunity to retrieve the exhibit(s) fifteen (15) days of receipt of the notice.

Article XIV

Petitions: Withdrawal, Tabled and Re-Submittal of Denied Petitions

The Commission hereby establishes the following rules and procedures regarding petitions that have been filed for consideration before the Commission relative to zone map changes, variances from the development standards and special uses:

1. Withdrawal of Petitions

Petitions may be withdrawn at any time.

2. Petitions Tabled Before Advertising or Public Notice

- a. The petitioner may request that the petition be tabled to a future meeting.

- b. After six (6) months from the date of the filing of the petition, if the petitioner has failed to allow the petition to be scheduled for a public hearing, the staff shall inform the Council (zone map and special use petitions) to withdraw the petition from further consideration. The Commission shall then remove the petition from further consideration.
 - c. A new petition may be filed at any time according to the adopted filing schedule.
3. Petitions Tabled After Advertising or Public Notice and Prior to Public Hearing
- a. The petitioner may request that the petition be tabled to the next scheduled Commission hearing.
 - b. A request for the petition to be docketed to any future meetings after the next scheduled Commission meeting will require the petitioner to bear the cost of a new legal ad and provide new envelopes (in order to re-notify surrounding property owners) with corresponding postage. Staff will provide the notice.
 - c. After six (6) months from the date of the filing of the petition, if the petitioner has failed to allow the petition to be scheduled for a public hearing, the staff shall inform the Council (zone map and special use petitions) to withdraw the petition from further consideration. The Commission shall then remove the petition from further consideration.
 - d. A new petition may be filed at any time according to the adopted filing schedule.
4. Petitions Tabled at The Commission Meeting, After the Public Hearing
- a. A petitioner may request to table a petition after the public hearing portion and prior to the Commission's formal recommendation. The Commission reserves the right to either except the petitioner's request or proceed with a recommendation.
 - b. The petitioner may only request that a petition be tabled once.
 - c. The petitioner must declare which Commission meeting they want the petition to be tabled to, but it must be no longer than the second meeting after the meeting at which the petition was tabled. The previously tabled petition may not be further tabled at the meeting at which it is heard.
 - d. The Commission reserves the right to consider whether to reopen the public hearing on a tabled petition.
5. Variances Considered by the Commission
- a. Variances considered by the Commission may not be continued to another meeting unless the rezoning and/or special use petition that it is a part of is also continued (tabled) by the Commission.
 - b. Variances considered by the Commission and denied may not be resubmitted to the Commission unless it is filed with another rezoning or special use.

- c. Variances denied by the Commission may not be submitted for consideration to the Area Board of Zoning Appeals earlier than six (6) months from the date it was denied.
- d. Variances withdrawn by the petitioner may not be submitted for consideration to the Area Board of Zoning Appeals earlier than six (6) months from the date it was withdrawn.

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Article XV.

Seal

The official seal of the Commission shall be:



Article XVI.

Amendment or Repeal of By-Laws

These by-laws may be amended, supplemented, changed, or repealed at any regular or special meeting of the Commission. Any amendment must be adopted by a majority of the Commission, except for amendments relating to Article VII, Section 1, Executive Committee, which require a two-thirds (2/3) majority vote of the entire membership of the Commission. However, any such proposed amendment shall be presented in written form at one meeting, to be acted upon at the next regular meeting of the Commission.

Adopted by the Area Plan Commission this 16th day of July 2019.

By: _____
John L. Leszczynski, President

ATTEST: _____
Lawrence P. Magliozzi, Secretary

I.C. 36-7-4-312 requires the Executive Director, under the direction of the Area Plan Commission, to prepare and present to the Commission an Annual Report and an Annual Plan for the operation of the planning department. This Annual Report covers Commission and Staff activities performed in 2018, and the Annual Plan / Work Program for 2019.

Annual Report 2019

Area Plan Commission of St.
Joseph County, IN

Lawrence P. Magliozzi, Executive Director

Annual Report 2019

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“The statutes and regulations that govern land use affect the daily lives of average Americans more than any other part of the legal system”

Former Chief Justice Shepard

Prepared

February 2020

Annual Report 2019

I. PREFACE

This Annual Report provides information on the activities of the Area Plan Commission of St. Joseph County, IN and the staff of the planning department for 2019, and establishes the 2020 Work Program.

The Commission served the communities of the City of South Bend, the unincorporated areas of St. Joseph County and the Towns of Lakeville, New Carlisle, North Liberty, Osceola and Roseland.

Area Plan Commission

- Forwards recommendations on zoning petitions and text amendments to the legislative bodies
- As a part of the Combined Hearing Procedure
 - Hears petitions for variances – approves, approves with modifications or denies
 - Forwards recommendations to County Council on special uses
- Hears appeals from the Plat Committee on subdivision plats
- Considers proposals for comprehensive plan amendments
- Considers resolutions relative to redevelopment activities
- Area Plan Commission Committees
 - *Executive Committee* - Advises and counsels the Executive Director of the Commission in budget, personnel and other administrative matters; serves as the Site Plan Committee to determine appeals of Staff decisions on major changes to approved final site plans as required by the applicable zoning ordinances.
 - *Plat Committee* – approves or denies plats

Staff Functions

- Prepare all necessary documentation for the monthly Plan Commission meetings
- Administer and coordinate the rezoning application process
- Administer and coordinate the subdivision application process
- Administer and coordinate the variance and special use application process for the Area Board of Zoning Appeals
- Research and prepare text amendments to the zoning and subdivision ordinances
- Propose and prepare amendments to comprehensive plans
- Assists the public on land use related matters
- Issues Improvement Location Permits
- Acts as the Zoning Administrator for the unincorporated areas of St. Joseph County
- Assists APC member jurisdictions on land use related matters

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II. COMMISSION AND STAFF

Contact Information

227 W. Jefferson Boulevard
Suite 1140 County-City Building
South Bend, IN 46601

Phone: 574-235-7800 Fax: 574-235-5057 Web: www.sjcindiana.com

Area Plan Commission Staff

Executive Director/Secretary	Larry Magliozzi	March 2006 - Appointed May 2014
Deputy Director/Assistant Secretary	Angela Smith	February 2013 – March 2019
Senior Planner	Ryan Fellows	August 2019
Planner	Jordan Wyatt	January 2018
Planner	Shawn Klein	August 2018
GIS Manager	John Carlson	January 1994
GIS Technician	Beverly Kingston	January 2008
Office Manager	Jennifer Parcell	June 1993 – March 2019
ABZA Secretary	Jennifer Henthorn	January 2018 – September 2019
Commission Attorney	Mitch Heppenheimer	

Member Jurisdictions

St. Joseph County	City of South Bend	Town of Lakeville
Town of New Carlisle	Town of North Liberty	Town of Osceola
Town of Roseland		

Area Plan Commission (as of 1/1/2019)

<u>Member</u>	<u>Appointed By:</u>
Dan Brewer	Mayor, City of South Bend
Oliver J. Davis	Common Council, City of South Bend
John DeLee	Mayor, City of South Bend
Adam DeVon	St. Joseph County Council
Robert Hawley	St. Joseph County Commissioners
Martin Madigan	Council on Town Affairs, Town of Roseland
Elizabeth Maradik	Board of Public Works, South Bend
Vacant	Mayor, City of South Bend
John McNamara	St. Joseph County Surveyor
John Leszczynski	Mayor, City of South Bend
Greg Burris	Town Council, Town of Osceola
Rick Kennedy	County Agricultural Extension Educator
Dr. Jerry Thacker	School Corporation Superintendents – PHM School District
Harry Dudeck	Town Council, Town of New Carlisle
Velvet Canada	Town Council, Town of North Liberty

III. EXECUTIVE SUMMARY

2019 was a significant year for the planning staff:

1. A new department, the *Department of Infrastructure, Planning and Growth* (IPG) was formed at the start of the year. The Department is a consolidation of two departments: the planning department and public works (engineering and Surveyor) and includes the Director of Economic Development and one staff position. GIS, which was a part of the planning department, was also included in the merger. The Executive Director of the Area Plan Commission, the Executive Director of Economic Development, the County Engineer and the County Surveyor all retain their respective titles and responsibilities and jointly manage the new department.
2. The role, activities and responsibilities of the planning staff remain the same as the *Division of Planning and Zoning*. In previous years the planning took over administrative responsibility of the Area Board of Zoning Appeals and zoning administration (see previous Annual Reports). The Division will continue to staff the Area Plan Commission and its member jurisdictions.
3. In a further consolidation of land use related activities, the staff took over coordination of the street vacation process which previously resided in the County Council office.
4. The City of South Bend announced its withdrawal as a member of the Area Plan Commission and the Area Board of Zoning Appeals, effective January 1, 2020. South Bend was one of the founding members of the Area Plan Commission in 1964. The Area Plan Commission continues as a 9-member area plan commission, providing planning-related services to the unincorporated areas of St. Joseph County and the Towns of Lakeville, New Carlisle, North Liberty, Osceola and Roseland.

With the departure of the City of South Bend and the associated work load, the Planning and Zoning staff will be concentrating more of its time in updating the County zoning and subdivision ordinances., in addition to developing long needed land use plans.

Over the past number of years, the planning staff has been a leader in streamlining the development process, making it easier for the public and development community to file applications. The staff continuously explores new opportunities as they arise to maintain a high level of administrative responsibility and efficiency.

Annual Report 2019

IV. ACCOMPLISHMENTS – 2019

Accomplishments are exclusive to the planning staff. The new Department of Infrastructure, Planning and Growth has reorganized some functions, such as GIS.

Recurring Work Elements

- Administer zoning (map change) applications
- Administer subdivision plat applications
- Administer variance and special use applications
- Administer zoning violation complaints
- Review and issue Improvement Location Permits
- Administer the Project Advisory Team
- Research and propose ordinance text changes
- Review street and alley vacation requests
- Participate in the Building Department’s Plan Review process – issuance of ILPs
- Assist the public in a wide range of zoning and plat-related property issues
- Participation on the following:
 - Transportation Technical Advisory Committee (MACOG)
 - St. Joseph Regional Water & Sewer District
 - Economic Development Professional Network (Chamber of Commerce)
 - Juday Creek Task Force (MACOG)
 - Shirley Heinze Land Trust Advisory Committee
 - Census 2020 Complete Count Committee

Specific Accomplishments

- Assumed a new responsibility in late summer– taking over the administration of the street and alley vacation process for the unincorporated areas of the County from the County Council office.
- Completed the design and implementation of a database system using FileMaker Pro as the program platform. The data base covers all the major staff activities – zoning, variances, subdivisions and zoning violations. The database is shared with the Health, Public Works and Building Departments.
- Formation of Complete Count Committee and planning for Census2020.
- Implemented a series of zoning ordinance text changes.
- Completed a review of the St. Joseph County Subdivision Ordinance.

Annual Report 2019

V. 2020 ANNUAL PLAN / WORK PROGRAM

The Staff anticipates no change to its continuing duties relative to the administration of the zoning and subdivision ordinances, review of development projects, staff support to the Area Plan Commission and the Area Board of Zoning Appeals, and the assistance it provides to the public and government agencies that are members of the Area Plan Commission. Staff continually reviews the way it conducts business and implements changes when necessary.

2020 Work Program:

- Replacement of the St. Joseph County Subdivision ordinance
- Replace Sign Ordinance
- Add solar energy development standards
- Selected text changes to accessory uses. Trailers and mobile homes
- Begin preliminary work on revising the St. Joseph County Zoning Ordinance
 - Assessment of all sections
 - Provide quick fixes as needed
 - Develop general direction and format for a new ordinance
 - Develop public participation strategy

- Continue integration of electronic files with County GIS system
- Participate in Census 2020 Complete Count Committee activities
- Begin initial planning for implementing geography-specific land use plans
- Continue participation in:
 - Transportation Technical Advisory Committee (MACOG)
 - St. Joseph Regional Water & Sewer District
 - Economic Development Professional Network (Chamber of Commerce)
 - Juday Creek Task Force (MACOG)
 - Shirley Heinze Land Trust Advisory Committee
 - Census 2020 Complete Count Committee

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VI. ACTIVITY DATA

Summary of Public Hearing Agenda Activity

Jurisdiction	2019	2018	2017	2016	2015	2014	2013
St. Joseph County	20	9	20	10	10	17	18
Map Changes	4	4	3	1			
Combined Hearings	5	5	7	7			
Text Amendments	10		10	1			
Subdivision Appeals	1			1			
South Bend	14	15	24	22	24	16	10
Map Changes	4	6	5				
Combined Hearings	6	6	16				
Text Amendments	4	3	3				
Lakeville			2	1	3		
Map Changes			1	1	3		
Text Amendments			1				
New Carlisle	1					1	3
Map Changes	1					1	3
North Liberty			2	1	1	1	2
Map Changes			1	1	1	1	2
Text Amendments			1				
Osceola	1			2	1	3	1
Map Changes					1	3	1
Text Amendments	1			2			
Roseland	1				1		
Map Changes	1				1		
Totals	37	24	48	34	40	38	34
Map Changes	10	10	10	20	31	32	29
Combined Hearings	11	11	23	7			
Text Amendments	15	3	15	6	9	6	5
Subdivision Appeals	1			1			

Map Amendment (Zoning) Decisions

Jurisdiction	Number	Favorable	Unfavorable	No Rec	Passed	Denied	W/D
St. Joseph County	8	6	2		7		1
South Bend	10	7	2	1	7	2	1
Lakeville							
New Carlisle	1	1			1		
North Liberty							
Osceola							
Roseland	1	1			1		

Land Use Plans

None

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VI. ACTIVITY DATA (continued)

Subdivisions Filed – 2019

Jurisdiction	Major Primary	Major Secondary	Minor	Replats	Plat Vacations	Total
St. Joseph County	11	12	27	5		55
South Bend	1	1	18	3		23
Lakeville						
New Carlisle						
North Liberty						
Osceola	1	2				2

Street & Alley Vacations Reviewed

Jurisdiction	2019	2018	2017	2016	2015	2014
St. Joseph County	3	2	1 2		1	3
South Bend	23	30	26	18	12	4
Lakeville						
New Carlisle						
North Liberty						
Osceola	1					
Roseland						

Area Board of Zoning Appeals - Petitions Filed

Jurisdiction	2019	2018	2017	2016	2015	2014
St. Joseph County	59	62	66	84	51	48
<i>Variances (#)</i>	<i>142</i>	<i>97</i>	<i>118</i>	<i>144</i>	<i>76</i>	<i>93</i>
<i>Special Exceptions</i>	<i>3</i>	<i>3</i>	<i>6</i>	<i>9</i>	<i>5</i>	<i>4</i>
<i>Conditional Uses</i>						
South Bend	63	62	64	64	62	54
<i>Variances</i>	<i>151</i>	<i>150</i>	<i>191</i>	<i>112</i>	<i>106</i>	<i>109</i>
<i>Special Exceptions</i>	<i>8</i>	<i>14</i>	<i>12</i>	<i>10</i>	<i>4</i>	<i>9</i>
<i>Conditional Uses</i>						
Lakeville				1	1	
<i>Variances (#)</i>				<i>3</i>	<i>1</i>	
New Carlisle		1	1			
<i>Variances (#)</i>		<i>2</i>	<i>1</i>			
North Liberty	1		1	2		
<i>Variances (#)</i>	<i>4</i>		<i>2</i>	<i>2</i>		
Osceola	1	1				
<i>Variances (#)</i>	<i>5</i>	<i>1</i>				
<i>Special Exceptions</i>						
Roseland	1	1		1	1	
<i>Variances (#)</i>	<i>1</i>	<i>7</i>		<i>8</i>		
<i>Special Exceptions</i>		<i>1</i>			<i>1</i>	

Annual Report 2019

VII. FINANCIAL

Income History

	2019	2018	2017	2016	2015	2014
Zonings (map changes)	\$8,340	\$16,860	\$25,730	\$31,085	\$19,410	\$22,860
Subdivisions	\$35,600	\$50,150	\$4,3365	\$39,240	\$32,250	\$22,115
Variances / SEU	\$18,625	\$27,100	-	-	-	-
Zoning Administration	\$24,275	\$20,500	-	-	-	-
Other Income	<u>\$628.45</u>	<u>\$328</u>	<u>\$2,055.50</u>	<u>\$1402.50</u>	<u>\$3,938</u>	<u>\$3,584</u>
TOTAL	\$87,468.45	\$114,938	\$71,150.50	\$71,727.50	\$55,598	\$48,559

The fundamental goal of all zoning is to try and ensure that one owner's use of property does not have a significant detrimental impact on other owner's enjoyment of their property.
