

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 2018

Area Plan Commission of St.
Joseph County, IN

Lawrence P. Magliozzi, Executive Director

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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 2019

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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, and establishes the 2019 Work Program.

The Commission serves 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 on special (exception) uses
- Hears appeals on subdivision plats
- Considers proposals for comprehensive plan amendments
- Considers resolutions relative to redevelopment activities

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 concerns
- Administer the Zoning Ordinances for South Bend and St. Joseph County
- Assists APC member jurisdictions on land use activities

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/denies subdivision plats on behalf of the Commission

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II. COMMISSION AND STAFF

Contact Information

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

Phone: 574-235-9571 Fax: 574-235-9813 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
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
ABZA Secretary	Jennifer Henthorn	January 2018
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 1/1/2018)

<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
Jordan Richardson	Mayor, City of South Bend
John McNamara	St. Joseph County Surveyor
John Leszczynski	Mayor, City of South Bend
Debra Davis	Town Council, Town of Osceola
Jacob Holloway	County Agricultural Extension Educator
Dr. Jerry Thacker	School Corporation Superintendents – PHM School District
Steve Vojtko	Town Council, Town of New Carlisle
Matthew Peterson	Town Council, Town of North Liberty

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III. EXECUTIVE SUMMARY

The planning department assumed two significant functions in 2018: 1) taking over the administrative responsibilities of the Area Board of Zoning Appeals and, 2) Zoning Administration which includes the time-consuming task of managing zoning violations. These functions previously resided with the St. Joseph County/South Bend Building Department. The goal of the re-alignment was to consolidate all aspects of zoning administrative functions under one department, eliminating duplication of services that were split between two departments at two different locations. All aspects of zoning-related activities would be within one organization, enhancing planning-related functions to the public and development community.

These new responsibilities became effective January 1, 2018:

1. Area Board of Zoning Appeals:
 - a. Administration of the variance and special exception use process
 - b. Meeting notifications, transcribe minutes
 - c. Staff reports (already were being done by staff)
 - d. Maintain files.

2. Zoning Administration:
 - a. Executive Director assumes the duties of Zoning Administrator for the City of South Bend and St. Joseph County
 - b. Enforcement of the St. Joseph County and City of South Bend zoning ordinances
 - c. Interpretation of the St. Joseph County and City of South Bend zoning ordinances
 - d. Issue improvement location permits
 - e. Zoning verifications

Along with the transfer of these responsibilities, a new fee structure and income stream for the County became available. A part-time position was established to assist in the office duties related to the ABZA. Section VII Financial, includes details of the new income.

Over the past number of years, the staff has been a leader in streamlining the development process, making it easier for the public and development community to file applications:

1. Zoning applications only require the submittal of a Petition, a site plan and a Fee. Ordinances, resolutions, maps, notifications, legal ads and submittal of the ordinances to the respective Councils are now being done by the staff.
2. Applications, fee schedules, and development ordinances are now on line.
3. The staff worked closely with the South Bend City Clerk's office, the City Council and the Council attorney in reducing the zoning review period by 30 days for City Petitions.
4. The Project Advisory Team (PAT) was created to offer the development community access to meet with departments and utilities to get input on projects before extensive design time is done.
5. The timeline for the review and subsequent approval of subdivisions has been revised so that developers have a set date at which the plat can be ready for approval.

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6. The staff assumed the administrative responsibilities of the Area Board of Zoning Appeals, further consolidating land-use related procedures.
7. In a further effort to consolidate, the staff assumed the responsibilities of Zoning Administrator, involving fielding zoning complaints, issuing improvement location permits and various zoning certifications.
8. The staff modernized the zoning ordinances of the Towns of New Carlisle, Osceola, North Liberty and Lakeville. These ordinances are now easier to read and interpret by the respective town zoning administrators.

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IV. ACCOMPLISHMENTS - 2018

Recurring Work Elements

- Administer zoning applications
- Administer subdivision plat applications
- Administer variance and special exception use applications
- Administer zoning violation complaints
- Administer the Project Advisory Team
- Research and administer ordinance text changes
- Review street and alley vacation requests
- Participate in the Plan Review process – issuance of ILPs
- Assist the public in a wide range of zoning and platting-related property issues
- Provide GIS-related assistance to public and government agencies
- 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 responsibilities of Zoning Administration from the Building Department
 - Executive Director of the Commission is the Zoning Administrator for the City of South Bend and St. Joseph County
 - Zoning Violation procedure put in place
 - Reviewed 294 zoning violations (226 closed; 68 remain active)
- Assumed administration of the Area Board of Zoning Appeals from the Building Dept.
 - All tasks associated with the ABZA now being administered by the planning staff
 - Streamline the application process
- Adopted a new Zoning Ordinance for the Town of North Liberty
- Formalized the improvement location process
- Created an on-line permitting process for sign permits
- Assisting the City of South Bend in drafting a new Zoning Ordinance
- Participated in the initial planning phase for Census2020

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IV. ACCOMPLISHMENTS – 2018 (Continued)

- GIS-Related Activities
 - Largest project for 2018 was the continuing support of the GIS mapping for the 911 Center. Worked on enhancing the address points, centerline, MSAG, response layers for Police, Fire, & EMS, & common names database. Also created addresses for Holy Cross and Notre Dame for each building and parking lot on both campuses with the assistance of the County Surveyor.
 - Created a versioned Enterprise Geodatabase for the maintenance of the feature layers for the 911 CAD map. Versioning allows multiple editors to alter the same data in an enterprise geodatabase without applying locks or duplicating data. Currently we have a County version and a South Bend version. In 2019 we will be reaching out to include Mishawaka as another version. This method was what was used by the County and South Bend to enhance the feature layers.
 - Worked with the EMA office in creating and collecting data of the affected properties from the flooding that occurred in February 2018. Created an online mapping solution through Arc GIS online (Quick Access Maps) that was used to collect data in the field and as a call came in for each affected property.
 - Worked with MetroNet in creating an online mapping solution through Arc GIS online (Quick Access Maps) that is used to collect data out in the field for fiber lines throughout St Joseph County and Marshall County.
 - Continuing maintenance for all the property tax mapping (Parcel builder).
 - Continued training for any online mapping applications for new employees throughout the County. Also, did one-on-one refresher training for any existing employee that needed additional assistance.
 - Updated the 2019 precinct boundaries that were affected by the annexations from 2018. New map layouts were added to the county website GIS page for Townships, Commissioners, Council, State House and State Senate boundaries.
 - Added three new map layouts for ArcGIS Online (Quick Access Maps) which include:
 - Airport Noise
 - Property Abatements
 - Tax Sale Properties
 - Compiled residential addresses within the SJC and the Towns for the 2020 Census. All data needed to be compiled and sent to the Census Bureau by June 2018.

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V. 2019 ANNUAL PLAN / WORK PROGRAM

The Staff anticipates no change to its continuing duties relative to the administration of the zoning and subdivision ordinances, and the assistance it lends 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.

2019 Work Program:

- Replacement of the St. Joseph County Subdivision ordinance
- Assist the City of South Bend in completing the updates to the South Bend Zoning Ordinance
- Assist the City of South Bend in its consideration to establish an advisory plan commission
- Begin preliminary work on revising the St. Joseph County Zoning Ordinance
 - Assessment of all sections
 - Revise portions of the Accessory Use section
 - Revise portions of the Trailers, Mobile Homes and Tents section
 - Revise signs section

- Update the Street and Alley vacation procedure; assume administration
- Digitize all Written Commitment Documents
- Continue integration of electronic files with County GIS system
- Participate in 2020 Census Complete Count Committee activities

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VI. ACTIVITY DATA

Summary of Public Hearing Agenda Activity

Jurisdiction	2018	2017	2016	2015	2014	2013	2012
St. Joseph County	9	20	10	10	17	18	20
<i>Text Amend. Sub-set</i>		10	1				
<i>Combined PH Sub-set</i>	5	7	7				
<i>Subdivision Appeals</i>			1				
South Bend	15	24	22	24	16	10	18
<i>Text Amend. Sub-set</i>	3	3					
<i>Combined PH Sub-set</i>	6	16					
Lakeville		2	1	3			
<i>Text Amend. Sub-set</i>		1					
New Carlisle					1	3	
North Liberty		2	1	1	1	2	
<i>Text Amend. Sub-set</i>		1					
Osceola				1	3	1	3
<i>Text Amend. Sub-set</i>			2				
Roseland				1			1
Totals	24	48	34	40	38	34	42
<i>Text Amend. Sub-set</i>	3	15	6	9	6	5	9
<i>Combined PH Sub-set</i>	11	23	7				
<i>Subdivision Appeals</i>			1				

Map Amendment (Zoning) Petitions - 2018

Jurisdiction	Number	Favorable	Unfavorable	No Rec	Passed	Denied	W/D
St. Joseph County	9	8	1		8	1	
South Bend	12	10	1	1	10	2	
Lakeville							
New Carlisle							
North Liberty							
Osceola							
Roseland							

Land Use Plans - 2018

Southeast Neighborhood Master Plan – 12/18/18

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VI. ACTIVITY DATA (continued)

Subdivisions Processed - 2018

Jurisdiction	Major		Minor	Replats	Plat Vacations	Total
	Primary	Secondary				
St. Joseph County	8	17	27	6	2	60
South Bend	0	1	15	7		23
Lakeville						
New Carlisle			1			1
North Liberty						
Osceola		1		2		3
Roseland (<i>does not have a subdivision control ordinance</i>)						

Street & Alley Vacations Reviewed

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

Area Board of Zoning Appeals Petitions Filed

Jurisdiction	2018	2017	2016	2015	2014	2013
St. Joseph County	62	66	84	51	48	75
<i>Variances</i>	97	118	144	76	93	108
<i>Special Exceptions</i>	3	6	9	5	4	10
<i>Conditional Uses</i>						2
South Bend	62	64	64	62	54	47
<i>Variances</i>	150	191	112	106	109	100
<i>Special Exceptions</i>	14	12	10	4	9	8
<i>Conditional Uses</i>						
Lakeville			1	1		1
<i>Variances</i>			3	1		5
New Carlisle	1	1				2
<i>Variances</i>	2	1				2
North Liberty		1	2			2
<i>Variances</i>		2	2			3
Osceola	1					1
<i>Variances</i>	1					1
<i>Special Exceptions</i>						
Roseland	1		1	1		2
<i>Variances</i>	7		8			7
<i>Special Exceptions</i>	1			1		1

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VII. FINANCIAL

Budget & Income History

	2018	2017	2016	2015	2014	2013
Approved Budget	\$371,381	\$351,341	\$320,209	\$320,209	\$321,409	\$317,866
Personnel	\$366,607	\$342,800	\$311,608	\$311,608	\$311,608	\$305,498
Non-Personnel	\$2,600	\$8,541	\$8,601	\$8,601	\$10,032	\$12,368
Zoning Income	\$16,860	\$25,730	\$31,085	\$19,410	\$22,860	\$16,075
Subdivision Income	\$50,150	\$4,3365	\$39,240	\$32,250	\$22,115	\$27,415
Variances & SEU (ABZA)	\$27,100	-	-	-	-	-
Zoning Administration	\$20,500	-	-	-	-	-
Other Income	<u>\$328</u>	<u>\$2,055.50</u>	<u>\$ 1402.50</u>	<u>\$ 3,938</u>	<u>\$ 3,584</u>	<u>\$ 3,276</u>
Total	\$114,938	\$71,150.50	\$71,727.50	\$55,598	\$48,559	\$46,766

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.
