

CHAPTER VI:

PLANNED UNIT DEVELOPMENT REGULATIONS

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VI.I PLANNED UNIT DEVELOPMENT

A. PURPOSE

The purpose of the Planned Unit Development (PUD) District is to:

1. Encourage creativity and innovation in the design of developments;
2. Encourage imaginative uses of open space and property with outstanding natural or topographical features;
3. Provide for more efficient use of land including the reduction of land area disturbed for utility lines and motor vehicle access;
4. Facilitate use of the most appropriate design and construction techniques in the development of land;
5. Provide flexibility in land use regulations by allowing for the consolidation of the platting and rezoning procedures;
6. Permit a developer to propose a total development plan which can be considered as to its overall merits under a unified procedure; and
7. Further the purposes of the Comprehensive Plan.

B. PERMITTED USES

1. Uses permitted in the PUD District shall be any use or range of uses specified in the PUD District ordinance establishing such District and shall be the same as those specified in the petition for Zone Map Amendment, either in text form or as noted in the Preliminary Plan filed with the petition for Zone Map Amendment.
2. Permitted uses, for example, may include any residential, commercial or industrial land use, or any individual land use or combination of land uses deemed appropriate for the property. No commercial use, nor any building devoted primarily to a commercial use, shall be built or established prior to the residential buildings or uses for which it is designed or intended to serve.

C. DEVELOPMENT STANDARDS

1. Development standards applicable to a PUD shall be those standards specified in the PUD District ordinance establishing such District and shall be the same as those specified in the petition for Zone Map Amendment, either in text form or as noted on the Preliminary Plan filed with the petition for Zone Map Amendment.
2. Each petition for Zone Map Amendment to the PUD District shall specify development standards applicable to each use permitted in the development.
3. In any case in which an applicable development standard has not been specified in the petition for Zone Map Amendment, the development standard shall be that which is specified in the zoning district in which the use is permitted. If the petitioner does not want an otherwise applicable development standard for any use permitted in the development to be applicable, then the petition for Zone Map Amendment shall contain a statement to such effect.

D. PROCEDURE

PUDs are subject to a three (3) step review process: Preliminary Plan, Zone Map Amendment, and Final Plan.

1. Preliminary Plan Review
 - a. The applicant shall file an application with the Area Planning Department for approval of the Preliminary Plan. The application shall:
 - i. Be made on forms available at the Area Planning Department;
 - ii. Be accompanied by any required fee(s);
 - iii. Include all land which the applicant proposes to include in the PUD and all land immediately adjacent to or that lies directly opposite the street frontage, with the current use stated on the preliminary plan;
 - iv. Be accompanied by the original or a reproducible copy of the Preliminary Plan, any supporting documents, and the minimum number of copies as determined by the Area Planning Department.

- b. A Preliminary Plan shall be drawn to a scale of not more than one inch (1") equaling one hundred feet (100'), and include:
 - i. The location of proposed land uses and maximum land use densities;
 - ii. The current zoning of the area proposed to be developed and the current zoning of the adjacent land;
 - iii. Proposed layout of streets, open space, and other basic elements of the development;
 - iv. Proposals for handling traffic, parking, sewage disposal, drainage, tree preservation and removal, and other pertinent development features;
 - v. A proposed breakdown of sections to be contained in the overall development along with a statement as to the order and timing of development;
 - vi. All public and private ways within two-hundred feet (200') of the site;
 - vii. North arrow, written and graphic scale, and general location map; and,
 - viii. Percentage of site devoted to open space.

- c. The Director shall review the proposed Preliminary Plan taking into consideration information regarding the terrain of the site and any unique natural features of the site. The Director's review may include, but not be limited to, the following:
 - i. The protection of unique topographical features on the site, including, but not limited to, slopes, streams, and natural water features;
 - ii. The protection and preservation of wooded areas, individual trees of significant size, wetlands, or other environmentally sensitive features;
 - iii. The development of common open space and recreational areas (passive or active) accessible to the residents or user of the site by way of sidewalks, footpaths, or combined walkways/bikeways;

- iv. A more efficient use of the land including the reduction of land area disturbed for utility lines and motor vehicle access;
 - v. The creation of innovative residential and business environments;
 - vi. Maintenance of the natural site features through the design and situation of individual lots, streets, and buildings;
 - vii. The diversity and originality in lot layout;
 - viii. The utilization of individual building designs which achieve an enhanced relationship between the development and the land; and,
 - ix. The relationship to surrounding properties.
- d. Within ten (10) business days after the submittal, the Director shall schedule a conference with the applicant to discuss the proposed Preliminary Plan.
 - e. Either the applicant or the Director may request that the Preliminary Plan be reviewed by the Plan Commission if needed to clarify policies or provide additional guidance. In such instances, the preliminary plan will be reviewed at the next available Plan Commission meeting.
 - f. The Director will provide the applicant with written comments regarding the proposed Preliminary Plan within five (5) business days following the conference or Plan Commission review.
 - g. A petition for Zone Map Amendment must be submitted within six (6) months from the date of the written comments described above, otherwise a new Preliminary Plan must be submitted, unless an extension is granted by the Director.
 - h. In the event that Final Plan approval is not obtained for all or a portion of the PUD within the time frames outlined in Section VI.I.D.3, Final Plan Approval below, the Preliminary Plan shall be deemed to have expired for that portion of the PUD that has not received Final Plan approval, except for the location and density of proposed land uses depicted on such Preliminary Plan.
 - i. Once a Preliminary Plan has expired for any portion of the PUD, no development shall occur within the expired portions of the PUD until:
 - i. A new Preliminary Plan is approved by the appropriate legislative body at a public hearing; and

- ii. A Final Plan approval as required by this Section has been obtained.

2. Petition for Zone Map Amendment

- a. Petitioner may modify the proposed Preliminary Plan and file a petition for Zone Map Amendment within six (6) months from the date of receiving written comments from the Director.
- b. All petitions for Zone Map Amendment to the PUD District shall contain a Preliminary Plan that satisfies the requirements in Section VI.I.D.1, Preliminary Plan Review above, and specify the development standards, expressed in detailed terms that will apply to the property site that is included in the petition.
- c. Development standards applicable to a petition for Zone Map Amendment shall be the same as noted in the Preliminary Plan. Every petition for Zone Map Amendment shall specify development standards applicable to each use permitted and, at a minimum, shall adopt or include a variation of each development standard that is applicable to each such use in the District in which each such use is first permitted. In any case in which an applicable development standard has not been specified in the petition for Zone Map Amendment, the development standard shall be that which is specified in the district in which the use is first permitted. If the petitioner does not want an otherwise applicable development standard for any use permitted in the development to be applicable, then the petition for Zone Map Amendment shall contain a statement to such effect.
- d. Petitioner may also request Final Plan approval in connection with the approval of the Zone Map Amendment provided that any such approval shall be conditioned upon the appropriate legislative body adopting the Zone Map Amendment to the PUD District. The requirements for a Final Plan Secondary Approval are set forth in Section VI.I.D.3.d below.
- e. If desired, petitioner may also file for Preliminary Plat approval before the Plan Commission in the manner set forth in Chapter IV, Subdivision Control Regulations, provided that any such approval shall be conditioned upon the appropriate legislative body adopting the Zone Map Amendment to the PUD District. Said Preliminary Plat approval shall be set for a joint hearing before the Plan Commission with the petition for Zone Map Amendment.
- f. In determining the appropriateness of the proposed preliminary PUD and whether to recommend approval of the Zone Map Amendment to the appropriate legislative body, the Plan Commission shall be guided by the extent to which the proposal:

- i. Accomplishes the purposes set forth in Section VI.I.A, Purpose above; and,
- ii. Provides for the protection or provision of the site features and amenities outlined in Section VI.I.D.1.c above.

3. Final Plan Approval

- a. If Final Plan approval is not obtained from the Plan Commission in a joint hearing with the petition for Zone Map Amendment, petitioner shall have a period of up to five (5) years from the date of the approval of the petition for Zone Map Amendment in which to file for Final Plan approval, in total or in phases, by the Plan Commission.
 - i. The Plan Commission shall review the Final Plan for consistency with the Preliminary Plan approved by the legislative body in connection with the petition for Zone Map Amendment.
 - ii. If a Final Plan approval is filed for in phases, each subsequent phase shall be filed for within five (5) years of the approval of the prior phase.
- b. Extensions of time, in six (6) month increments not to exceed a total of two (2) years, for obtaining Final Plan approval may be granted by the Director for good cause shown. In the event that the Director disallows a requested extension, the petitioner may appeal said determination to the Plan Commission within thirty (30) days of being notified of such determination.
- c. The nature and type of application, fees, and any other relevant matters for the review and approval of a Final Plan shall be in accordance with and as specified by the Plan Commission.
- d. Before the Plan Commission approves a Final Plan, the applicant shall submit a Final Plan consisting of the following:
 - i. An area map insert showing the general location of the proposed development referenced to major streets and section lines.
 - ii. A location map showing the names of all property owners, boundary lines of recorded subdivisions, zoning and land uses of adjacent properties.
 - iii. The proposed name and boundary lines of the PUD.

- iv. A legal description of the property contained within the PUD.
- v. The location and name of all existing and proposed public or private roads, access easements and rights-of-way within two-hundred feet (200') of the property.
- vi. The location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone, and cable.
- vii. The layout, number, and dimension of all lots and outparcels with building setback lines.
- viii. The location, delineation, and elevation of all floodway and floodway fringe areas within the boundaries of the PUD.
- ix. A drainage plan for all watersheds in and around the proposed development, indicating the general drainage pattern of lots, the location of all drainage channels and sub-surface drainage structures, the proposed method of disposing of all stormwater runoff (including data to show that the proposed outlet(s) are adequate to accommodate the drainage requirements of the development), and all existing and proposed detention facilities.
- x. An erosion control plan for all areas of site disturbance.
- xi. A topographic contour every five feet (5') superimposed upon the proposed Final Plan.
- xii. The proposed elevation of all building pads within the development.
- xiii. All improvements to the access road system.
- xiv. A sidewalk plan or plan for pedestrian ways.
- xv. Plans and specifications for all infrastructure improvements required or proposed in the development.
- xvi. Areas reserved for park, conservation, wetland, common area, lake or other similar uses.
- xvii. Proposed covenants, conditions, and restrictions.

- xviii. The character and approximate density of all proposed uses and structures in the development.
 - xix. Any other information requested in writing by the Plan Commission or the Director.
 - e. A determination by the Plan Commission on whether or not to grant Final Plan approval shall be made at a public hearing of the Plan Commission.
 - f. The Plan Commission shall make written findings concerning a decision to approve or disapprove a Final Plan, and such written findings shall be signed by the President or Secretary of the Plan Commission. The Plan Commission may approve a Final Plan only upon a finding that:
 - i. The Final Plan satisfies the development standards specified in this Chapter and the PUD District ordinance establishing such District;
 - ii. The Final Plan accomplishes the purposes set forth in Section VI.I.A, Purpose above; and,
 - iii. The Final Plan provides for the protection or provision of the site features and amenities outlined in Section VI.I.D.1.c above.
 - g. The Plan Commission may require or permit the owner of a parcel of property to make written commitments pursuant to this Ordinance concerning the use or development of the subject property in connection with the recommendation of approval of a Final Plan.
 - h. A Final Plan, upon approval, shall be sealed with the Plan Commission Seal and retained in Area Planning Department to be used in its continuing administration of the PUD.
 - i. A Final Plan shall expire five (5) years after the date of approval by the Plan Commission unless a building permit has been issued for the use or development of the property. Once a Final Plan has expired for any portion of the PUD, no development shall occur within the expired portions of the PUD until a new Final Plan as required by this Section has been approved by the Plan Commission.
4. Amendments
- a. Minor modifications to an approved PUD District ordinance resulting from a Zone Map Amendment which do not involve an increase in intensity of land uses or the designation of additional land uses may be authorized by

Director without a public hearing, if the requested modifications do not adversely impact the purpose or intent of the overall development.

- b. If the Director determines that the proposed modification is of such a nature as to adversely impact the purpose or intent of the overall development, or if the proposed modification includes an increase in intensity of any land use or if the proposed modification includes the designation of an additional land use(s), petitioner shall be required to file a new petition for Zone Map Amendment.
- c. Any decision of the Director under this Section may be appealed by the applicant to the Plan Commission within thirty (30) days of being notified of such determination.
- d. The Plan Commission is delegated the authority to establish rules governing the nature of proceedings and notice required to make a modification under this Section.

5. Final Plat Approval

- a. Final Plat approval for any development pursuant to a PUD shall be issued in a manner consistent with that for any other plat under the jurisdiction of the Plan Commission in compliance with the procedures set forth in Chapter IV, Subdivision Control Regulations, and with any additional requirements or commitments entered into in connection with the approval of the Final Plan pursuant to this Ordinance.
- b. Prior to Final Plat approval of an approved PUD in which open space, common areas or recreation areas are provided for the use and enjoyment of residents or users of the development, the applicant shall:
 - i. File documentary assurances with the Plan Commission that the permanent dedication and continuous maintenance of open space, common areas or recreation areas shall be made in accordance with the Preliminary Plan and Final Plan, and that the open space, common areas and recreation areas shall be made available to the residents and users of the overall development at a reasonable and non-discriminatory rate of charge.
 - ii. Such documentary assurances shall be recorded in the Office of the Vigo County Recorder or otherwise provided for through legally binding perpetual agreements as approved by the Plan Commission.
 - iii. Such open space, common areas or recreation areas shall perpetually run with the PUD and shall not be developed or

separated from the PUD at a later date, unless no development of any portion of the PUD which is benefited by the open space, common areas or recreation areas has occurred and the entire area subject to the PUD is presented for Zone Map Amendment as set forth in this Chapter.