

**CHAPTER 32**  
**PLANNED UNIT DEVELOPMENT**

**Section 1. Definitions.**

1. Concept Plan: A preliminary drawing of the proposal identifying specific uses, population densities, the developments relationship with surrounding uses, building intensities, proposed circulation patterns, parks, school sites, and other land uses.
2. Planned Unit Development: A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development plans shall include but not be limited to land use, streets and circulation ways, utilities, population densities, buildings, open spaces, and other site features.
3. Master Plan: A schematic plan for a unified, coordinated development of a tract of contiguous land which is designated in an integrated and coordinated basis showing trees, water lines and appurtenances, sanitary sewers and appurtenances, storm water management facilities and appurtenances, lot boundaries, building locations, parking and loading areas, access drives, landscaping, existing and proposed grades, buffers, and other information as required to properly depict and communicate the proposed utilization and improvement of the property.

**Section 2. Purpose.**

Planned Unit Development: The purpose of the planned unit development (PUD) is for more efficient use of land and public services in two basic situations:

1. Vacant Land. Areas of not less than two (2) acres where strict regulation may restrict the full achievement of the Comprehensive Guide Plan or
2. Built-up & Aged Areas. Areas of not less than 30,000 square feet of minimum lot needing rehabilitation and redevelopment, including such areas which may be deficient in public facilities and services, where such necessary redevelopment cannot be expected to take place in strict and established areas of the City.

**Section 3. Application.**

1. Ownership:
  - a. A tract shall be under such control that each owner is bound by the conditions and regulations which shall be effective within the PUD and which will result in recordable easements, covenants and other provisions.
  - b. Each PUD shall be numbered in sequence.
2. Permitted Uses:

A PUD may include a mixture of such principal types of land use as residential, commercial, industrial, and institutional, and the extent of each use shall be determined by the type of PUD proposed and as hereinafter provided. Uses shall not result in undue adverse effect on the surrounding area, and shall be consistent with the intent of this Chapter and the concept of the proposed PUD.

4. Decision Criteria:

The following objectives are sought:

- a) A maximum choice of living environments by allowing a variety of housing and building types, by permitting an increased density per acre and by reducing dimensions, yards and building setbacks;
- b) A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services;
- c) A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
- d) A more efficient use of land than is generally achieved through conventional development;
- e) A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the Comprehensive Guide Plan; and
- f) Non-residential developments planned as groups, in park-like surroundings with common ingress points and common parking; with screened loading, storage and parking areas; with buffer areas to adjacent lands which are fully landscaped and with areas set aside for future expansion.

**Section 4. PUD Procedures.**

1. Concept Plan:

a) The applicant shall submit a written statement and sketch to the zoning administrator for review. An informal meeting shall be held with the developer and all applicable City staff and the Development Review Committee for discussion prior to the submission of a PUD application. The Concept Plan shall relate to the decision criteria listed above, identify specific land uses, population densities and building intensities. The Plan shall show a compatible relationship with surrounding uses, proposed circulation patterns (pedestrian and vehicular), proposed parks, school sites and other open space. The applicant shall submit the tentative development schedule and tentative written consent of all property owners within the proposed PUD district. If needed, recommendations for changes and additions shall be made prior to presentation to the Plan and Zoning Commission.

b) After review by staff, the item shall be placed on the Plan and Zoning Commission agenda for review. After the initial Plan and Zoning Commission review, this item shall be placed on the Plan and Zoning agenda for a public hearing for the proposal. The Plan and Zoning Commission shall recommend to the City Council for approval or denial of the PUD within 30 days of the Public Hearing.

c) The Concept Plan establishes a PUD; rezoning land into a PUD requires Ordinance changes and considerations including a Public Hearing.

d) The fee for the concept plan shall be set by resolution.

2. Preliminary Master Plan:

a) Initiation:

After receiving approval of the Concept Plan, and approval by the City Council to proceed, the applicant shall submit to the zoning administrator a Preliminary Master Plan for the entire proposed PUD showing:

- i. Area devoted to each specific land use (i.e. single family, multi-family, commercial, etc...);
- ii. Area devoted to public open space;
- iii. Area devoted to common open space;
- iv. Area devoted to primary and accessory buildings;
- v. Area devoted to: 1). Streets and alleys; 2). Bikeways; 3). Walkways.
- vi. Area devoted to and number of off street parking spaces;

- vii. Area devoted to other remaining uses;
  - viii. Engineering/architectural drawings shall be provided depicting the following information:
    - A. Adjacent land uses and zoning classifications within 300 feet of the project;
    - B. Existing streets, rights of way, property lines, easements, and the location of water, wastewater, and storm water intakes and lines within 300 feet of the project;
    - C. Contours of the development and all land within 300 feet of the project;
    - D. Location and extent of water bodies, wetlands, and streams and flood hazard areas on the project and within 300 feet;
    - E. Location of existing drainage patterns;
    - F. Location and extent of tree cover;
    - G. Property lines and dimensions of the property;
    - H. Precise location of the buildings on the properties;
    - I. Precise location of driveways, entrances, loading spaces, parking spaces, accessory buildings, etc... on the property;
    - J. Location of all public and common open space;
    - K. Landscaping plan depicting sidewalks, tree plantings, entrances, fences, and other factors;
    - L. General grading and drainage plan and a description of how surface water on the project will be managed on site. Both existing and new contours shall be shown;
    - M. Utility plans;
    - N. Street lighting plans;
    - O. Preliminary building architectural plans indicating use, floor area, elevations, and exterior wall finishes of each proposed building type;
    - P. Soil erosion control plan;
    - Q. A description of how the project relates to the land development plan (i.e. transportation system, zoning patterns, drainage system, etc.) of adjacent vacant land; and
    - R. Artistic renderings of proposed buildings, neighborhoods, streetscapes, and other visual depiction of the proposed project; and
    - S. Any other elements requested by City Staff, the Plan and Zoning Commission and the City Council.
      - i. A description of any restrictive covenants which are to be recorded;
      - ii. A proposal for the management of buildings and open space.

b) Fee. The fee for a Preliminary Master Plan shall be set by resolution.

c) Zoning Administrator:

Within thirty-one days (31) after submission of the Preliminary Master Plan, the zoning administrator shall make their recommendations to the Plan and Zoning Commission, specifying in what respects the Preliminary Master Plan would or would not be in the public interest, including but not limited to the following:

- i. The extent to which the plan departs from zoning and subdivision regulations;
- ii. The provisions for adequate public services, control over vehicular traffic, and the amenities of light, air and recreation, security and privacy;
- iii. The nature and adequacy of open space, the reliability of the proposals for maintenance and conservation of the common open space;
- iv. The relationship of the PUD to the neighborhood;
- v. If the plan is to be executed in increments, the sufficiency of the terms and conditions proposed to protect and maintain the performance of the plan;
- vi. In built-up areas, the suitability of the proposed structures in relation to existing structures remaining and anticipated future development of the area; and
- vii. Conformity with all applicable provisions of this Chapter and of the Comprehensive Plan.

d) Preliminary Approval of the Master Plan:

Within thirty-one (31) days after receiving staff reports concerning the Preliminary Master Plan, the Commission shall hold a meeting on the application. The Plan and Zoning Commission may approve or deny the Preliminary Master Plan and associated development rules, regulations, and guidelines as submitted, or may require the developer to modify, alter, adjust, or amend the Preliminary Master Plan and associated development rules, regulations, and guidelines, as the Plan and Zoning Commission deems necessary, in order to preserve the harmonious intent of this ordinance and the Comprehensive plan of the City.

e) Conformance with the Comprehensive Plan:

Before any plan is approved, said Commission shall determine if such proposal is in compliance with the Comprehensive Plan or if such proposal represents a substantial deviation from the Comprehensive Plan.

3. Final Approval of Master Plan:

Upon approval of the Preliminary Master Plan by the Plan and Zoning Commission, the applicant shall submit to the zoning administrator Final Master Plans with required modifications. The Plan and Zoning Commission shall hold a meeting for the approval for the final plat of the Master Plan. If the final Master Plan and plats are not submitted within six months of the Council approval of the Concept Plan, all approvals shall automatically become void. In order to proceed, the Concept Plan shall be resubmitted to the Plan and Zoning Commission for the approval process.

4. City Council Approval:

After a complete review by the Plan and Zoning Commission, the zoning administrator shall submit the Final Master Plan with a written recommendation and report giving reasons as to recommendations made by the Plan and Zoning Commission within thirty-one days to the City Council for review and a final determination. The Council shall receive the recommendations of the Commission, shall consider the final Master Plan and plats, and shall approve the plans and plats, if they are in substantial agreement with the Concept Plan.

5. Effective Period of Final Master Plan Approval:

The approval of any PUD under the terms of this Chapter shall be effective for one (1) year from the date of approval by the City Council. Building permits shall be issued within the one (1) year approval period. The approved plans shall become null and void if no building permits are not issued within the specified period of time.

6. Fee. The fee for the Final Master Plan shall be set by resolution.

**Section 5. Concluding Requirements.**

1. Effect of Approval:

The final Master Plan and plats as approved together with the restrictions imposed, including the rezoning as designated as a result of the approval process, shall constitute the zoning and subdivision control for the district; provided that general regulations which were applicable to the land involved prior to approval of the PUD and which are consistent with the PUD shall continue to be applicable.

2. Building Permit Restricted:

No building permit shall be issued for construction within the approved PUD unless and until the zoning administrator certifies that it conforms to the provisions of the Master Plan and other applicable zoning requirements.

3. Recording of the Master Plan and Associated Rules, Regulations, and Guidelines:

The ordinance providing for the rezoning of property to the PUD Zoning District and the associated Concept Plan, Master Plan, Rules, Regulations, and Guidelines as approved by the City Council shall be recorded at the Office of the Marshall County Recorder and shall be binding on the property owners, their heirs, successors or assigns.

4. Modifications:

Any proposed modifications in the approved PUD shall first be reviewed by the Plan and Zoning Commission. Said proposed modification along with a report from the Commission shall then be forwarded to the City Council with appropriate recommendations. The City Council shall then take such appropriate action on the proposed modification and their decision shall be final. No modification may be considered that is more than a ten percent (10%) increase in the density or change of uses on the site without a public hearing as required of a rezoning procedure. A public hearing may be required before the City Council on any modification, if determined by the City Council.

- a) The fee for each change to a preliminary mater plan shall be set by resolution.

5. Existing Planned Unit Developments:

Any additional phases to PUDs which were approved prior to the adoption of this ordinance shall conform with the original concept plan submitted. Each phase shall require preliminary and final Master Plan approval specific to each new phase as described in this Chapter, Section 4 parts 2 – 4.

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