

## **Planned Unit Development (PUD) Procedures**

*(All reference to Section numbers refer to City Zoning Ordinances)*

Every applicant for PUD approval shall comply with the procedural requirements of this subsection. The required procedures are as follows:

- Filing development plan with the Administrator; pursuant to Sections 3-14, 4-7.1, 4-13 or 4-17.1 as applicable, as now in effect or hereinafter amended;
- Provision by the Developer of adequate assurance for the completion of required improvements as per the development plan;
- Review of the development plan by the Plan Commission;
- Public hearing by the Plan Commission as per the requirement of Article 9 AMENDMENTS Sect. 9-5.1, 9-5.2, 9-5.3.
- Recommendation by the Plan Commission to the City Council regarding approval/rejection of the development plan; and
- Action by City Council on the development plan.

### **APPLICATION, INFORMATION REQUIRED**

Every applicant for approval of a PUD development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below:

#### **Written Documents:**

1. Legal description of the total site proposed for development.
2. Names and addresses of all Owners of property within or adjacent to the proposed PUD.
3. Statement of the planning objectives to be achieved by the PUD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
4. Development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.
5. Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.
6. Data indicating:
  - a) Total number and type of proposed units (dwelling or commercial)
  - b) Gross and net acreage of parcel.
  - c) Acreage of gross and usable open space, and
  - d) Area of any commercial uses, if applicable.

### **Graphic Materials:**

7. Existing site conditions including contours at ten (10) foot intervals and locations of water courses, flood plains, unique natural features, and wooded areas.
8. Proposed lot lines and plot designs.
9. Proposed location, size in square feet, and general appearance of all existing and proposed buildings (both residential and non-residential) and other structures and facilities.
10. Location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses.
11. Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership – public or private -- should be included where appropriate).
12. Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict.
13. Existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines.
14. General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips.
15. Enough information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas.
16. Any additional information required by the City to evaluate the character and impact of the proposed PUD.

### **ADVISORY REPORT, CRITERIA CONSIDERED**

The Plan Commission shall submit to the Council a written advisory report concerning acceptance/rejection of the development plan. In deciding what their advice should be the Plan Commission shall consider the following criteria:

1. The extent to which the proposed development is consistent with the City's Comprehensive Plan and with the purposes of this ordinance and of all other applicable codes and ordinances.
2. The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including but not limited to, the use and lot and building regulations of the district), and the apparent merits (if any) of said deviations.

3. Whether the proposed design of the PUD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial users, open space, recreational facilities, preservation of natural features, and so forth.
4. The compatibility of the proposed PUD with adjacent properties and surrounding area.
5. Any other reasonable criteria that the Plan Commission may devise.

#### **DECISION BY COUNCIL**

After the Plan Commission has submitted their advisory report, the Council, by resolution, either approves or disapproves the PUD development plan. The Council shall not approve any PUD development plan unless:

1. The Developer has posted a performance bond or deposited funds in escrow in the amount the City Engineer deems sufficient to guarantee the satisfactory completion of all required improvements.
2. The City Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory.
3. The proposed PUD, as evidenced by the development plan, complies with all applicable codes and ordinances. (Deviations to the extent permitted under Subsection 5-10 shall not be deemed non-compliance.)

#### **CHANGES IN APPROVED PLANS**

No changes shall be made to any approved PUD development plan except as follows:

1. Minor changes if required by engineering or other circumstances not foreseen at the time the final development plan was approved.
2. All other changes shall require a public hearing before the Plan Commission and a resolution by the Council.
3. No approved change shall have any effect until it is recorded with the Madison County Recorder of Deeds as an amendment to the recorded copy of the development plan.

## **FAILURE TO BEGIN DEVELOPMENT**

If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the development plan shall lapse upon written notice to the applicant from the Council and shall be of no further effect. However, in its discretion and for good cause, the Council may extend for a reasonable time the period for the beginning of construction. If a final development plan lapses as per this subsection:

1. the special use permit shall be automatically revoked;
2. any building permits shall automatically become null and void; and
3. all regulations applicable before the PUD was approved shall automatically be in full effect.