

## **ARTICLE 16**

### **PLANNED UNIT DEVELOPMENT**

#### **SECTION 1600 – Intent**

The purpose of this Article is to provide for an alternative zoning procedure for innovative, developments that provide value to the community over the conventional zoning district and which is consistent with the Dearborn County Comprehensive Plan and intent of the zoning ordinance. The Planned Unit Development (PUD) shall provide for unique, innovative and flexible approaches in the design and development of land in return for mixing of land uses and densities. A planned development shall encourage and promote a harmonious and appropriate mixture of uses, facilitate the adequate and economic provision of streets, utilities and public services and preserve the natural environmental and scenic features of the site. In addition, the planned development shall encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features and mitigate site specific problems or conditions. The Planned Development shall provide for and be compatible with surrounding areas and foster the creation of attractive, healthful, efficient, and stable environments for living, shopping, or working within the County.

The Planned Unit Development regulations and procedures may apply to the redevelopment of presently developed lands, the development of open or vacant lands, and parcels of varying sizes. Planned Unit Development regulations are intended to encourage innovations in land development techniques with greater flexibility and variety in type, design and layout of sites and buildings, and the conservation and more efficient use of open spaces and other amenities generally enhancing the quality of life, thus ensuring that the growing demands of the community may be met.

Density, open space, infrastructure, and other land use factors and impacts are significant in reviewing any Planned unit Development. Where building density is increased on a particular portion of a Planned Unit Development then the amount of open space, retention of existing vegetation, buffer areas, new landscape, public commons, community open space, and parks shall be evaluated for proportionate increase for the remainder of the Planned Development. A Planned Unit Development may vary the height, use, organization, design, intensity, size or other features of the proposed development

The Planned Unit Development district shall promote, provide, and create:

1. A maximum choice of living environments by allowing a variety of housing and building types and permitting a reduction in lot dimensions, yards, building setbacks, and area requirements in exchange for development that demonstrates excellence in environmental design, the mitigation of land use factors or impacts, and the provision of amenities;
2. A more useful pattern of open space and recreation areas incorporated as part of the project and that is compatible with the immediate vicinity, and that coordinates commercial uses and services in a manner that is consistent and compatible with existing or planned infrastructure;

3. 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;
4. More efficient use and development of land than is generally achieved through conventional regulations resulting in substantial savings through shorter utilities, streets, and other infrastructure;
5. A development pattern which is consistent with the adopted Comprehensive Plan and any other appropriate land use studies;
6. The materials and design of buildings, signs and the site should provide for a unified theme throughout the development and should be of a higher quality than that found within a conventional zoning district.

### **SECTION 1605 – Conflicting Provisions**

Any provisions within this article, which may be in conflict with other provisions of this ordinance, shall be governed by this article because of the special characteristics of planned unit developments. Subjects, which are not addressed within this article, shall be governed by the provisions found elsewhere in this order.

### **SECTION 1610 - Permitted Uses**

An applicant for a Planned Unit Development may propose any type or combination of uses for consideration in their request. However, any use or combination of uses proposed for the district shall not adversely affect adjacent property, and/or the public health, safety, and general welfare and/or the provisions of the adopted Comprehensive Plan.

### **SECTION 1615 – Density**

The density for each use proposed within a PUD shall be determined by the conventional zoning which would permit the proposed use. For example, the conventional zoning for a PUD with a shopping center and a mixed use residential would be General Business and Residential. Therefore, the density could not exceed 30 additional percent of the maximum density permitted by the conventional zoning district.

### **SECTION 1620 - Minimum Size**

There is no minimum district size required for a Planned Unit Development.

## **SECTION 1625 - Planned Unit Development Standards**

In addition to the findings for a rezoning found in Article 5, Section 540, the Plan Commission, legislative unit or the Board of County Commissioners should use the following criteria which apply to evaluating the rezoning and proposed Concept Development Plan.

1. *Compatibility of Uses:* Uses within a planned development shall be compatible within the development as well as to and adjacent sites. Compatibility of uses may be accomplished through the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominant. Compatibility/mitigation measures shall exceed the usual minimum standards of this order, when needed, to address impacts of the proposed development.
2. *Open Space:* Useable open space(s) shall be provided in an amount over and above setback areas and open areas required by the underlying zone. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space.
3. *Transportation System:* Planned developments shall incorporate transportation elements, which allow for connections to existing developments or undeveloped land both within and outside the planned development. These transportation elements should provide for improvements through street connections, road designs, and ingress and egress to the existing transportation network depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Transportation elements shall provide for the creation of a system if applicable, which encourages multi-modal transportation, to include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc.
4. *Preservation of Existing Site Features:* Existing topography, significant tree cover, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article.
5. *Landscaping:* Substantial landscaping shall be provided in a planned development with emphasis given to streetscape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects.
6. *Architecture:* A planned development shall incorporate a consistent architectural theme which is unique to the specific site and surrounding community through the use of materials, signage and design. Generic corporate architecture and big box designs are strongly discouraged but not prohibited. Uses should be designed according to the limitation of the site rather than the removal of the limitations. Specific design details such as roof parapets, architectural details, varying roof heights, pitches and materials and building colors and materials should be addressed. The use of architectural guidelines is required for large multi-phased projects.

7. *Historic and Prehistoric Features:* Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
8. *Signage:* A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominant signage on the project site. Freestanding signs shall be monument style and of a limited size and height. The use of signage design guidelines is required for multi-phased projects.
9. *Conformance with Comprehensive Plan:* All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations or existing or planned infrastructure.

Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

#### **SECTION 1630 - Pre-Application Meeting**

Any applicant or property owner proposing a Planned Unit Development district shall be required to meet with the planning staff of the Plan Commission prior to the submission of the application and Concept Development Plan. The purpose of the meeting will be to informally discuss the purpose and effect of this order, the criteria and standards which may apply, and to familiarize the applicant/owner(s) with the objectives of the Comprehensive Plan and its elements, this order, and this article.

#### **SECTION 1635 – Public Hearing Procedure**

Because a PUD is a rezoning, the public hearing and findings of fact shall follow the same procedure as outlined within Article 5, Sections 530-570. The Concept Development Plan shall follow the minimum and optional guidelines as outlined in Article 5, Section 520.

#### **SECTION 1640 – Modifications to Approved Concept Development Plans**

Any amendment proposed to a previously approved Concept Development Plan shall be considered by the Dearborn County Technical Review Committee to determine if the changes are considered major or minor in scope. In all circumstances where the Dearborn County Technical Review Committee determines that a major amendment is involved, the Committee shall forward its findings and recommendations to the Plan Commission for its consideration and official action at a subsequent public hearing, as set forth in Sections 530 and 1635 of this order.

Major changes to approved Concept Development Plans may involve any material changes to supplemental conditions of approval or the approved development concepts. This may include—but is not limited to—any number of the following:

1. Any modification that alters the land use types originally permitted
2. Any increase of land use intensities or densities
3. Any movement of primary access locations, where it is determined that the movement would adversely affect the safety and efficiency of the existing and planned) road network
4. The elimination of roadway connections to adjacent tracts or subdivisions
5. The elimination or reduction of low-impact uses, open space, recreational uses, landscaping and bufferyard features, or other amenities
6. Any amendments that are expected to result in additional public investment or maintenance
7. Any modification that involves an additional Homeowners' Association or Property Owners' Association

Minor adjustments to approved Concept Development Plans shall be administered by the Technical Review Committee and Plan Commission staff. These types of changes shall be limited to one (1) modification per calendar year. All additional minor changes that are proposed in a one (1) year time period shall require Plan Commission approval. Minor changes may include—but are not limited to—any number of the following:

1. Imperceptible modifications to the location, sizes, and configurations of the originally-permitted land use types
2. Reconfigurations of the internal street network that do not eliminate access to adjacent tracts or subdivisions
3. Improvements to the accessibility within, or adjacent to, the development
4. Reductions of high-impact land use areas and their associated, approved densities (e.g. high-density residential land use areas, commercial or industrial land use areas)

Increases to low-impact land use areas, their corresponding densities, or amenities (e.g. recreational use areas, landscaping and bufferyards, etc.)

### **SECTION 1645 - Subdivision and Site Plan Approvals**

After approval of the Concept Development Plan by the legislative unit with jurisdiction, the developer of the property is required to follow the applicable subdivision procedures found within the Dearborn County Subdivision Ordinance and site plan review as outlined within this ordinance.

### **SECTION 1650 – Designation on Zoning Map**

Property that is rezoned under the procedures of this article shall be designated on the Official Dearborn County Zoning Map as a Planned Unit Development (PUD).