

CHAPTER 172

PLANNED UNIT DEVELOPMENT

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172.01 DECLARATION OF INTENT. Planned Unit Development is intended to encourage a more innovative approach to the development of land by permitting flexibility and design, placement of buildings, and the use of open spaces, while at the same time retaining substantially the same population density and area coverage permitted in the district in which the project is located.

172.02 PRINCIPAL PERMITTED USES. In a Planned Unit Development only the following uses are permitted:

1. Single-family, two-family and multiple dwellings.
2. Other neighborhood uses such as schools, parks and churches.
3. Neighborhood retail uses and those uses permitted in the C-1 Commercial District may be specifically and selectively authorized as to type and size only when integrated by design as an accessory element of the project, provided the development is planned for more than 150 dwelling units.

172.03 PROCEDURE.

1. The owner or owners of any tract of land of sufficient area to permit construction of at least 24 dwelling units may petition the City Council for a change to the PUD Zoning District classification. The petition shall be accompanied by evidence that the proposed development is compatible with the surrounding area, to maintain any common ground included within the development, evidence of the feasibility of providing adequate storm and surface water drainage and sanitary sewer for the proposed development, evidence that the developer is capable of successfully completing the proposed development, and three (3) copies of the preliminary plan of development.
2. The petition, accompanying evidence, and preliminary plan shall be referred to the Planning and Zoning Commission for study and report. The Commission shall review the conformity of the proposed development with the standards of the comprehensive plan and with recognized principles of civic design, land use planning, and landscape architecture. After public hearing, the Commission may approve or disapprove the preliminary plan and request for rezoning as submitted or require that the petitioner amend the plan to preserve the intent and purpose of this chapter to promote public health, safety, and general welfare.
3. The petition and preliminary plan as approved by the Commission, along with the Commission's recommendations on the request for rezoning, shall then be referred to the City Council. The Council may approve or disapprove the preliminary plan and request for rezoning as reported or may require such changes in the plan as are necessary to preserve the intent and purpose of this chapter to promote public health, safety, and general welfare.

4. If the Council approves the preliminary plan and request for rezoning, the applicant shall submit, within 270 days (or such longer period as may be approved by the Council after recommendation by the Commission), to the Commission three copies of the final plan of not less than one stage of the proposed development.
5. The final development plan shall be referred to the Council. The Council shall review and approve it if it is in substantial compliance with the preliminary development plan.

172.04 DESIGN STANDARDS. The standards of design herein contained are intended only as minimum requirements. Lot area, yard, and height requirements in this district shall be as set forth in this chapter, and shall prevail over conflicting requirements of the Zoning Regulations.

1. Buildings shall only be used for residential purposes; occupant garages, occupant storage space and similar accessory uses; non-commercial recreational facilities, community activities, including churches and schools; and retail type convenience facilities designed to primarily serve occupants of the development.
2. All dedicated street, sanitary sewer and storm sewer facilities shall be approved by the City Engineer.
3. No building permit for any building or other structure within the development shall be issued until the final development plan is approved by the City Council and filed with the City Clerk.
4. Any land gained within the development because of the reduction in lot sizes below minimum requirements shall be placed in common land to be dedicated to the City or managed by a Homeowners Association. The dedication of land to the City shall be referred to the Park Board for recommendation and report.
5. The parking requirements of the Zoning Regulations shall apply to all developments.
6. Each proposed stage of the development shall comply with the density requirements for the zoning district in which it is located.
7. Developments or portions thereof which are being developed for sale or resale shall contain common land in area totaling not less than 25% of the net development area.

172.05 DENSITY REQUIREMENTS. The maximum number of dwelling units permitted in a Planned Unit Development shall be determined by dividing the net development area by the maximum densities allowed in each district regulation. Net development area shall be determined by subtracting from the gross development area any area set aside for churches and schools and area proposed for streets. If the development contains two or more different zoning district classifications, the number of dwelling units permitted shall be the total of the number permitted in each district but the dwelling units may be located within the development irrespective of the conventional zoning district classification of any particular area.

172.06 SIDE YARDS. The minimum width required for a side yard in conjunction with a dwelling built in a Planned Unit Development shall be five feet.

172.07 REQUIRED DOCUMENTS. The following documents are minimum requirements, and auxiliary drawings, architectural models, and research documentation are encouraged to present a concise explanation of the development intended.

1. Preliminary Plan.
 - A. A site analysis showing a review of topography, natural drainage patterns, existing vegetation, sanitary sewer and water service, and major street connections.

- B. A schematic plan at one inch = 50 feet minimum showing location of:
 - (1) Buildings with the height and exterior design of typical structures and the number of dwelling units in each.
 - (2) Parking areas.
 - (3) Access drives and sidewalks.
 - (4) Streets abutting or within the proposed development.
 - (5) Required peripheral yards.
 - (6) Common land, recreation areas and parks.
 - (7) Utility extensions.
 - (8) Development stages and timing.
- 2. Information Required. The preliminary site plan required shall include the following information concerning the proposed development:
 - A. Names of all persons having an interest in the property, legal description of property, point of compass, scale and date.
 - B. Applicant's name, planned land use and present zoning location and names of adjoining subdivisions, the numbers of the adjoining lots therein and the names and addresses of adjoining landowners.
 - C. If the applicant is other than the legal owner, the applicant's interest shall be stated.
 - D. Name and address of engineer, architect, landscape architect, or urban planner preparing the Planned Unit Development.
- 3. Final Development Plan.
 - A. A development plan at one inch = 50 feet showing location and dimensions of:
 - (1) Buildings with the height and exterior design of typical structures and the number of dwelling units in each.
 - (2) Parking areas.
 - (3) Access drives and sidewalks.
 - (4) Streets abutting or within the proposed development.
 - (5) Landscaping and plant materials, its size at time of installation and at maturity.
 - (6) All proposed walls and fences.
 - (7) Required peripheral yards.
 - (8) Common land, recreation areas, and parks.
 - (9) Existing and proposed utilities and public easements.
 - (10) Proposed signs and their design, area, and dimensions.
 - (11) Lighting facilities and their type and design.
 - (12) Storm and sanitary sewer design.
 - (13) Development stages and timing.

B. If the proposed development includes common land that will not be dedicated to the City, and the proposed development will not be held in single ownership, proposed bylaws of a Homeowners Association fully defining the functions, responsibilities and operating procedures of the association. The proposed by-laws shall include but not be limited to provisions:

- (1) Automatically extending membership in the association to all owners of dwelling units within the development.
- (2) Limiting the uses of the common property to those permitted by the final development plan.
- (3) Granting to each owner of a dwelling unit within the development the right to the use and enjoyment of the common property.
- (4) Placing the responsibility for operation and maintenance of the common property in the association.
- (5) Giving every owner of a dwelling unit voting rights in the association.
- (6) If the development will combine rental and for sale dwelling units, stating the relationship between the renters and the Homeowners Association and the rights renters shall have to the use of the common land.

C. Performance bond or bonds approved by the City Council in an amount not less than the estimated cost of the bonded improvements, which bonds shall assure the City that the dedicated public streets and utilities, including sewers, located therein and other common development facilities in each stage shall be completed by the developer within the time specified on the final development plan.

D. Covenant to run with the land, in favor of the City and all persons having a possessory interest in any portion of the development premises, that the owner or owners of the land or their successors in interest will maintain all interior streets, parking areas, sidewalks, parks and plantings which have not been dedicated to the City in accordance with the ordinances of the City and the final development plan as approved by the City Council, which shall be recorded in the office of the Warren County Recorder.

172.08 COMMENCEMENT. The Council may condition the approval of the final development plan upon the developer's commencing construction of the development within one year after Council approval of the plan. Failure to meet this requirement shall be deemed sufficient cause for the Council, in accordance with the provisions of this chapter, to rezone the subject property to the zoning classification effective at the time of the original submission of the petition and preliminary plan, unless an extension is approved by the Council for due cause shown after recommendation by the Commission.

172.09 COMPLETION. The Council may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time, provided, however that in the determination of such period, the Council shall consider the scope and magnitude of the development and any schedule of construction and improvements submitted by the developer. Failure to complete all construction and improvements within said period of time shall be deemed sufficient cause for the Council to rezone the subject property to the classification effective at the time of the original submission of the petition and preliminary plan, unless an extension is approved by the Council for due cause shown after recommendation by the Commission. Any change in the final development plan or required Homeowners Association bylaws proposed after the Council has approved the plan shall be resubmitted and considered in the same manner as the original development plan.