

CHAPTER 11

ARTICLE 12

PLANNED UNIT DEVELOPMENT

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9-11-12-1: PURPOSE

The purpose of planned unit development is to encourage the unified and organized development of a site under individual or corporate ownership at the time of development. Such development may be permitted without customary division into individual lots, subject to the regulations as hereafter provided. Planned unit development shall include the following:

- A. A maximum choice of living environments by allowing a variety of housing and building types and permitting clustering and flexible area requirements.
- 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, limited office and business park areas.
- 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 resulting in substantial savings through shorter utilities and streets.
- E. A development pattern in harmony with land use density, transportation and community facility objectives of the comprehensive plan.

9-11-12-2: PROVISIONS

Whenever there is a conflict or difference between the provisions of this article and those of other chapters of this Title, the provisions of this article shall prevail. The respective provisions found elsewhere in this code shall govern subjects not covered by this article.

9-11-12-3: MULTIPLE USE DISTRICT

- A. A planned unit development is allowed in a multiple use district.

- B. All land uses that may be allowed within a multiple use district are determined by conditional use permit procedure, outlined in 9-6, and documented within a development agreement. One application and fee shall be required for the approval of all land uses requiring a conditional use permit.

9-11-12-4: LIMITED COMMERCIAL AND OFFICE USES

- A. When planned unit developments include commercial or limited office uses, buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.
- B. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial/office areas.
- C. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

9-11-12-5: OWNERSHIP

A planned unit development shall be under one ownership or under one unit control during the planning and development stage to ensure that the development can be accomplished. No application for a planned unit development shall be considered for approval unless a minimum of three contiguous acres of land is contained in any proposal.

9-11-12-6: COMMUNITY FACILITIES

A planned unit development shall include site availability for needed community facilities not otherwise provided for such as, sites for schools, public safety, utilities, churches, parks and recreation areas.

9-11-12-7: PROCEDURE

- A. Conditional Use Permit: Land use approval by conditional use permit under 9-6 and platting may be submitted under one application with all required data.
- B. Platting: Preliminary and final platting shall follow procedure requirements under 9-11-04.

9-11-12-8: STANDARDS

- A. Standards are set forth under 9-11-6. Modifications shall be by conditional use permit and set forth in a development agreement.
- B. Parking: There shall be a minimum of two (2) parking spaces provided for each dwelling, one of which shall be in a garage.

1. Off street guest parking shall be provided in residential areas at a standard of one half (1/2) parking spaces for each dwelling. Parking for guests shall be located within one hundred fifty feet (150') of the dwellings served.
 2. All parking spaces shall measure at least nine feet (9') by eighteen feet (18'). Developers shall pave with asphalt and/or concrete all parking spaces, parking areas, and driveways and provide proper drainage. Drainage shall not be channeled or caused to flow across pedestrian walk ways.
- C. Site Development Plan: The subdivider shall provide the commission with a site plan, elevations, perspective drawings and such other illustrated information at adequate scale to show the proposed development that will include at least the following:
1. Architectural styles and building design concepts. The architecture of all garage structures shall be compatible with the architecture of the main structures within the planned unit development.
 2. Architectural materials and color.
 3. Type of landscaping.
 4. Screening, if proposed.
 5. Type of solid waste facilities.
 6. Parking concept.
 7. Open space areas.
- D. Private Streets: Private street construction standards shall be based upon recommendations from the city. Adequate construction standards may vary depending on the size of the development and the demands placed on such improvements.

9-11-12-9: GENERAL REQUIREMENTS AND IMPROVEMENTS

- A. General requirements see 9-11-8.
- B. Required improvements shall conform to 9-11-8.
- C. Specific provisions recommended by the commission and approved by city council within a development agreement may modify or increase requirements.
- D. Home Owners' Association: Home owners' association by-laws and other similar deed restrictions, which provide for the control and maintenance of all common areas, recreation facilities or open space, shall meet with the approval of the commission. Any and all power as specified in such agreements may be required to also be assigned to the jurisdictional agency to insure continued and adequate maintenance of all such common areas, recreational facilities and open spaces, ability to assess property for delinquencies, and enforcement of motor vehicle speed to the interest of the owners involved and of the general public.

9-11-12-10: COMPLETION AND MAINTENANCE OF IMPROVEMENTS

- A. The developer must complete all of the improvements required by the approved site plan for the final plat within two (2) years of the date of recording of the final

- plat. If the improvements are not completed within the time specified, the city shall have the option of taking action on the bond to complete the improvements.
- B. The planned unit development shall conform to the approved site plan. The applicant or any other person or entity shall not add any structures or make any improvements or changes to the planned unit development that did not appear on the approved site plan. The applicant and subsequent owners and applicable associations shall maintain all improvements shown on the site plan in a neat and attractive manner. Failure to complete or maintain a planned unit development in accordance with this chapter and with approved site plan is a violation of the terms of this title. The city may initiate criminal and/or civil legal proceedings against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lesser, tenant, landlord, employee, employer or other wise, for failure to complete or maintain a planned unit development in accordance with this chapter and with the approved site plan. (Ord. 2008-6)