

## **ARTICLE XXVII**

### **(PUD) PLANNED UNIT DEVELOPMENT**

#### **(PUD-R) PLANNED UNIT DEVELOPMENT - RESIDENTIAL**

##### **Section 27.01 Purpose**

The purpose of these regulations is to provide for planned unit development (PUD) within the City of Greenville, in order to achieve:

- A. A greater choice of living environments by allowing a variety of housing and building types and densities within a single development.
- B. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more efficiency 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 resulting in substantial savings through shorter utilities and streets.
- E. A development pattern in harmony with land use, density, transportation, and community facilities objectives of the City.

##### **Section 27.02 Districts**

In order to work toward these purposes, two (2) separate planned unit development districts are established:

- A. (PUD) Planned Unit Development  
This district provides for areas of mixed use, where a single integrated development contains residential, business and/or community facility uses.
- B. (PUD-R) Planned Unit Development - Residential  
This District provides for residential developments containing a mixture of single and multiple family use, at a variety of housing densities.

**Section 27.03 Definition**

“Planned Unit Development”, or PUD, shall mean an area of land in which a variety of housing types and subordinate commercial facilities are accommodated in a planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The approval of such development contains requirements in addition to those of the standard zoning districts, such as building design principles and landscaping plans.

**Section 27.04 Permitted and Conditional Uses**

Permitted uses within the SR, AR, MH-R, NB, LIC and SU Districts may be combined in the PUD District, provided that the proposed location of non-residential uses are compatible with the design of the overall tract, will not adversely impact adjacent property and that the location of such uses are specified in the preliminary and final development plans. Permitted uses within the SR and Ar Districts may be combined in the PUD-R District.

The amount of land devoted to non-residential uses in a planned unit development combining residential and non-residential components shall require approval by the Planning and Zoning Commission.

**Section 27.05 Project Area**

The gross area of a tract of land proposed to be developed in a single PUD of PUD-R District shall be a minimum of ten (10) acres. This requirement may be waived by the Planning and Zoning Commission if all property abutting the subject tract is platted and/or developed.

**Section 27.06 Common Open Space**

A minimum of twenty percent (20%) of the gross land area developed in any planned unit development project shall be reserved for common open space and/or recreational facilities. Such common open space shall be:

- A. Dedicated to a homeowner’s association who shall have title to the land which shall be retained as common open space. The legal articles relating to the organization of the homeowner’s association shall be subject to review and approval by the Planning and Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all such common areas; or,
- B. Dedicated to the City for parks, open space, or the site of schools or other related public facilities. All land so dedicated to the City shall be subject to the review and approval of the Planning and Zoning Commission and the Board of Park Commissioners, subject to size, shape and location: or,
- C. Some combination of A and B.

Public utility and similar easements and rights-of-way for water courses or other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a bikeway, trail or similar facility and has been approved by the Commission.

#### **Section 27.07 Utilities**

All electrical, telephone, cable television and similar utility transmission and distribution lines shall be located underground.

#### **Section 27.08 Arrangement of Non-Residential Uses and Parking**

When development in the PUD District includes non-residential uses, buildings shall be planned having common parking areas and common ingress and egress points, in order to reduce traffic congestion and mitigate potential conflict points. Planting screens or fences shall be provided on the perimeter of the such areas where they are adjacent to residential areas. Parking areas shall be designed so as to discourage single, large, unbroken paved lots, and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas should be delineated and accented by landscaped areas.

Service, delivery, and loading areas shall be, to the maximum possible extent, located to the rear of structures, and screened from view by landscaping.

The plan of projects developed in the PUD and/or PUD-R Districts 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 areas.

#### **Section 27.08 Residential Density**

The City of Greenville is prepared to accept a higher density in undeveloped areas than that reflected by current zoning, provided the developer can utilize planned unit development techniques to demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

The maximum density of the residential portions of the entire planned unit development shall not exceed ten (10) dwelling units per acre. The calculation of such density shall be based on the number of proposed dwelling units divided by the area of the site designated for residential use, excluding streets and common areas.

#### **Section 27.10 Private Roads**

Private roads or streets as a common easement may be used to provide internal circulation to clustered lots and/or individual residential structures in

residential planned unit developments in accordance with the following requirements.

- A. The easement shall not be counted as required open space.
- B. The road or street is approved as part of the subdivision plat as the most appropriate form of access to lots and/or structure.
- C. Private roads shall not be used to provide access to non-residential areas or as through streets.

**Section 27.11 Procedure for Approval of PUD and PUD-R Districts**

Planned unit development projects shall be processed in accordance with the procedures specified in Sections 27.12 through 27.21, as follows:

**Section 27.12 Pre-Application**

The developer is encouraged to meet with the Zoning Enforcement Officer, City Engineer and Planning and Zoning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purposes of this section and the criteria and standards contained herein, and to familiarize the developer with the planned unit development process, other provisions of this Code, and the drainage, sewer and water systems within the City.

**Section 27.13 Contents of Application for Preliminary Development Plan**

An application for preliminary planned unit development shall be filed with the Planning and Zoning Commission by at least one(1) owner of the property for which the planned unit development is proposed. The preliminary plan must cover the entire contiguous ownership of the applicant unless the applicant specifically states in writing that he/she does not intend to develop the withheld portion of the tract for at least five (5) years. At a minimum, the application shall contain the following information material:

- A. Name, address and phone number of applicant.
- B. Legal description of property.
- C. Description of existing use.
- D. Present and proposed zoning districts.
- E. A vicinity map at a suitable scale, showing property lines, streets, existing and proposed zoning for all property adjacent to and within 200 feet from the proposed site.
- F. A list of all property owners within 200 feet from the proposed site, and their address as appearing on the Darke County Auditor's current tax list.
- G. Proposed schedule for the development of the site.
- H. Evidence that the applicant has sufficient control over the land in question to effectuate the proposed development plan.

- I. A Preliminary Development Plan drawn to scale, prepared by a registered architect, registered engineer and/or registered landscape architect. Such plan shall contain the following information at a minimum:
  1. Selected uses by area or specific building location, allocation of land use by type as measured in acres, adjacent existing land use, right-of-way, and relationship to adjacent land use.
  2. General location of thoroughfares, including type, as well as location and size measured in number of parking spaces for all off-street parking areas, including curb cuts.
  3. Open space and the intended uses therein and acreage provided
  4. Residential land uses summarized by lot size, dwelling type and density.
  5. Existing and proposed roads, building, utilities, permanent facilities, easements, rights-of-way and abutting property boundaries.
  6. Physical features and natural conditions of the site including soils, the location of vegetation and existing tree lines.
  7. Surface drainage and areas subject to flooding.
  8. Preliminary plan for water, sewer, storm drainage and other utility systems.

**Section 27.14 Review Procedure**

Twelve (12) copies of the completed application and Preliminary Development Plan shall be submitted to the Secretary of the Planning and Zoning Commission at least twenty-one (21) days prior to the Planning and Zoning Commission's next scheduled meeting. Failure to submit a complete application shall result in a refusal of acceptance. The Secretary of the Planning and Zoning Commission shall transmit the complete application package other parties as the Planning and Zoning commission deems appropriate, for review and comment.

**Section 27.15 Action by Planning and Zoning Commission**

Within seventy-five (75) days after the first regular meeting of the Planning and Zoning Commission after receipt of the application, the Planning and Zoning Commission shall make a recommendation to City Council, following the procedures as cited in Section 5.05 of this Ordinance.

**Section 27.16 Criteria for Recommendations by Planning and Zoning Commission**

Before making its recommendation as required in Section 27.15, the Planning and Zoning Commission shall find that the facts submitted with the application and presented at the public hearing established that:

- A. Each individual part of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability; the uses proposed will not impose undue adverse impacts on adjacent uses,

but will have a beneficial effect which could not be achieved under standard district regulations.

- B. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate volumes of traffic which would overload the street network outside the development
- C. Any proposed commercial development can be justified at the proposed locations..
- D. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan.
- E. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- F. The existing public services are adequate for the population densities and uses proposed and in conformance with capital improvements planned for the area.

In making its recommendation, the Planning and Zoning Commission may seek the assistance and input of outside consultants and/or experts procured for that purpose.

#### **Section 27.17 Action by City Council**

Upon receipt of the recommendation by the Commission, City Council shall review and take action on the application, following the procedures specified in Section 5.06 of this Ordinance. Following approval by City Council, the subject property shall be considered as zoned PUD or PUD-R. The approval of that zoning shall be conditioned on development of the tract being in conformance with the Final Development Plan.

#### **Section 27.18 Final Development Plan**

Not later than twelve (12) months from the approval of the Preliminary Development Plan, the developer shall submit ten (10) copies of the Final Development Plan to the Zoning Enforcement Officer. The Final Development Plan shall be in general conformance with the Preliminary Development Plan. Failure to submit a Final Development Plan within the specified time period shall render the approved Preliminary Development Plan and the rezoning of the property null and void.

#### **Section 27.19 Contents of Application for Approval of Final Development Plan**

An application for approval of the Final Development Plan shall be filed with the Zoning Enforcement Officer at least twenty-one (21) days prior to the

Planning and Zoning Commission's next scheduled meeting, by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for Final Development Plan. The Final Development Plan shall be prepared by a registered architect or engineer and, at a minimum, shall the information and materials as follows:

- A. Survey of the proposed development site, showing the dimensions and bearings of the property lines, areas in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines and land uses.
- B. All the information required in the Preliminary Development Plan; including the location and sizes of lots,, location and proposed density of dwelling units, non-residential building intensity; and land use considered suitable for adjacent properties.
- C. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres on the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population, anticipated timing for each unit; and population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other resolution governing development.
- D. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone and natural gas installations; waste disposal facilities; street improvements and nature and extent of earth work required for traffic circulation and street improvements, and nature and extent of earth work required for site preparation and development.
- E. Site plan, showing building(s), various functional use areas, circulation and their relationship.
- F. Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures where applicable.
- G. Plans for landscaping.
- H. Deed restrictions protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of land, and the improvements thereon, including those areas which are commonly owned and maintained.

**Section 27.20 Action by the Planning and Zoning Commission**

Within sixty (60) days from submittal of the items specified for approval of the Final Development Plan, or such other time as has been agreed to be the Developer, the Planning and Zoning Commission shall approve, or approve with modification, the Final Development Plan. Approval shall mean that it finds that said plan is in conformance with the approved Preliminary Development Plan, and that no significant constraints exit to construction of the project as planned.

### **Section 27.21 Expiration and Extension of Approval Period**

The approval of the Final Development Plan shall be for a period of not to exceed two (2) years. If no construction has begun within two (2) year after approval is granted, the approved development plan shall be null and void, and the land shall revert to the zoning district in which it was located prior to the amendment. An extension of this time limit, for a specific period, may be approved if the Planning and Zoning Commission finds that such extension if necessitated by conditions beyond the control of the applicant.

### **Section 27.22 Platting**

The creation of new parcels under any planned unit development shall be subject to platting under the City of Greenville Subdivision Regulations. Failure to submit an application for platting of a portion of such property no later than twenty-four (24) months from the effective date of the rezoning, shall render the zoning null and void and the property shall revert to its previous zoning classification.

To reduce the length of the review and approval process, a preliminary subdivision plat can be submitted simultaneously with the Development Plan for rezoning to the PUD or PUD-R District. A final subdivision plat cannot be submitted for review until an amendment to the Zoning Ordinance has been approved by City Council and such amendment has become effective.