

CHAPTER 811

ZONING ORDINANCE: PLANNED UNIT DEVELOPMENT

811-1. Purpose

The purpose of the planned unit development is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character and quality of new developments; to encourage a harmonious and appropriate mixture of uses; to facilitate the adequate and economic provision of streets, utilities and city services; to preserve the natural environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; and to mitigate the problems which may be presented by specific site conditions. It is anticipated that Planned Unit Developments will offer one or more of the following advantages:

- A. Reflect the policies of the Comprehensive Plan specific to the neighborhood in which the PUD is to be located;
- B. Provide substantial buffers and transitions between areas of different land use and development densities;
- C. Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces;
- D. Counteract urban monotony and congestion on streets;
- E. Promote architecture that is compatible with the surroundings;
- F. Buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development;
- G. Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area; and
- H. Effectuate implementation of the Comprehensive Plan.

811-2. Definition

A Planned Unit Development is an area under single ownership or control to be developed in conformance with an approved development plan, consisting of a map showing the development area and all improvements to the development area, a text which sets forth the uses and the development standards to be met, and exhibits setting forth any aspects of the development plan not fully described in the map and text. The map, exhibits, and text constitute a development plan. The uses and standards expressed in the development plan constitute the use and development regulations for the Planned Unit Development site in lieu of the regulations for the underlying district.

811-3. Requirements for Planned Unit Development

- (A) The area designated in the Planned Unit Development map must be a tract of land under single ownership or control. Single control of property under multiple ownership may be accomplished through the use of enforceable covenants and commitments which run to the benefit of the Zoning Jurisdiction.
- (B) The outline plan shall indicate the land use, development standards, and other applicable specifications of the Monroe County Code which shall govern the Planned Unit Development. If the outline plan is silent on a particular land use, development

standard, or other specification of the Monroe County Code, the standard of the underlying district or the applicable regulations shall apply.

- (C) The Planned Unit Development map shall show the location of all improvements. The location of Planned Unit Developments shall be designated on the Zoning Map and adopted pursuant to this Ordinance.
- (D) The Planned Unit Development must comply with all required improvements, construction standards, design standards, and all other engineering standards contained within the Monroe County Code and other pertinent regulations, except where specifically varied through the provisions of this Section of the Ordinance.
- (E) Designation and Conveyance of Permanent Open Space.
 - (1) **Definition.** Permanent open space shall be defined as parks, playgrounds, landscaped green space, and natural areas, not including schools, community centers or other similar areas in public ownership.
 - (2) **Designation.** No plan for a Planned Unit Development shall be approved, unless such plan provides for permanent landscaped or natural open space. A minimum of 25 percent of the proposed Planned Unit Development area shall be designated as Permanent Open Space.
 - (3) In the case of mixed uses, permanent open space shall be allocated to the property in proportion to the uses assigned to the Planned Unit Development and shall be located in reasonable proximity to those uses. Provided, however, the permanent open space need not be located in proximity to the use in the case of preservation of existing features.
 - (4) If the Outline Plan provides for the Planned Unit Development to be constructed in stages, open space must be provided for each stage of the Planned Unit Development in proportion to that stage.
 - (5) **Conveyance.** Permanent open space shall be conveyed in one of the following forms:
 - (a) To a municipal or public corporation; or
 - (b) To a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the Planned Unit Development or, where appropriate and where approved by the Plan Commission and the Board of Commissioners, adjoining property owners, or both. All conveyances hereunder shall be structures to insure that the grantee has the obligation and the right to effect maintenance and improvement of the common open space; and that such duty of maintenance and improvement is enforced by the owners and tenants of the Planned Unit Development and, where applicable, by adjoining property owners; or
 - (c) To owners other than those specified in Subsections (a) and (b) above, and subject to restrictive covenants describing and guaranteeing the open space and its maintenance and improvement, running with the land for the benefit of residents of

the Planned Unit Development or adjoining property owners, or both; or

(d) Included in single family residential lots under the control of lot owners.

(F) Uses permitted in a Planned Unit Development may be any use which is found on Table 2-1, Permitted Land Uses, subject to the approval of the Plan Commission and Board of County Commissioners.

811-4. Procedure for Approval of Planned Unit Development

(A) **Introduction.** Applications shall be accompanied by all plans and documents required by Section 811-7. A three step application process shall be used. The steps in the process are:

- (1) Pre-Design Conference;
- (2) Outline Plan Approval; and
- (3) Development Plan Approval.

(B) **Pre-Design Conference.** Prior to filing a formal application for approval of a Planned Unit Development, the applicant shall schedule a pre-design conference with the planning staff. The purpose of the pre-application conference shall be to:

- (1) Allow the applicant to present a general concept and to discuss characteristics of the development concept in relation to adopted County policies.
- (2) Allow the planning staff to inform the applicant of applicable policies, standards and procedures for the Planned Unit Development.
- (3) The pre-design conference is intended only for the above purposes; neither the developer nor the jurisdiction is bound by any decision made during a pre-application conference.

(C) **Procedure for Outline Plan Approval:**

- (1) The Outline Plan and application for the Planned Unit Development shall be submitted to the planning staff which, after certifying the application to be complete, shall initiate a review by the Planning Department and Highway Department.
- (2) The application and the results of the review shall then be forwarded to the Plan Commission for its consideration, public hearing and recommendations together with the Planning Department's report and such other documents as may be pertinent to the Planned Unit Development.
- (3) The Plan Commission shall hold a public hearing in accordance with its Rules of Procedure.
- (4) Where there are environmentally sensitive features on the site or the Development Plan is expected to be complex, or there are other important planning implications involved, the Plan Commission may reserve the right to review the Development Plan. And, where the Plan Commission

recommends denial of a Outline Plan and the Board of Commissioners approves the plan, the Plan Commission shall review the Development Plan.

- (5) Upon completion of its review, the Plan Commission shall certify the application to the Board of Commissioners with a favorable recommendation, an unfavorable recommendation, or no recommendation.
- (6) The Board of Commissioners shall vote on the proposal within 90 days after the Plan Commission certifies the proposal. The Board may adopt or reject the proposal. If the Plan Commission has given the proposal a favorable recommendation and the Board fails to act on the proposal within 90 days, the Ordinance takes effect as if it had been adopted as certified 90 days after certification. If the Plan Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the Board fails to act on the proposal within 90 days, the proposal is defeated.

(D) Effect of Approval of Outline Plan:

- (1) When an Outline Plan for a Planned Unit Development has been approved by the Board, the Plan shall become effective and its location shall be shown on the Zoning Map. The Zoning Map shall be amended to designate the site as a Planned Unit Development.
- (2) Upon such amendment of the zoning map, the use and development of the site shall be governed by the Planned Unit Development Outline Plan, subject to approval of a Development Plan.
- (3) No permit of any kind shall be issued until the Development Plan has been approved.

(E) Development Plan:

- (1) Purpose of Development Plan Approval. The purpose of the Development Plan is to designate the controls for development of the Planned Unit Development. The Development Plan shall show the exact location of each building and improvement to be constructed and a designation of the specific internal use or range of uses to which each building shall be put.
- (2) Time Limit for Approval of Development Plan. The Development Plan shall be submitted to the Planning Department not more than 18 months following Board of Commissioners approval of the Outline Plan. The Outline and Development Plans may be submitted as a single plan if all requirements of Sections 811-5(B) and (C) are met. The Development Plan may be submitted and approved in stages, with each stage representing a portion of the Outline Plan, at the discretion of the Plan Commission. The time limit for submitting each stage for approval may be set forth in the Outline Plan, in which case that schedule shall control the timing of development, rather than the time period contained in this paragraph. The Plan Commission may extend the time for application for approval of Development Plan for good cause, consistent with the purposes of this Ordinance.
- (3) Expiration of Time Limit. Periodically, the planning staff shall report to the

Plan Commission on Planned Unit Developments whose time limits have expired. The applicants shall be notified. The Plan Commission shall determine whether to consider extending the time or to initiate action to amend the Zoning Map so as to rescind the Planned Unit Development designation.

- (4) Relationship of Development and Outline Plan. The Development Plan shall conform to the Outline Plan as approved.
- (5) Procedure for approval of a Development Plan shall be:
 - (a) Development Plan Submission. The Development Plan and supporting data shall be filed with the planning staff.
 - (b) Staff Review. The planning staff shall review the Development Plan to include site plan review, in accordance with the requirements of this Ordinance.
 - (c) Staff Approval. It shall generally be the responsibility of staff to review Development Plans unless the Plan Commission reviews the Development Plans as provided in Section 811-4(C)(4), or where new Development Plan is required.
 - (d) Plan Commission Review. If the Plan Commission has retained Development Plan approval authority, the Plan Commission shall hold a public hearing in accordance with its Rules of Procedure. The Commission may approve, deny or approve with modifications.
- (6) Expiration of Development Plan. The Development Plan shall expire 2 years after approval, unless grading and/or building permits have been obtained and are still current and valid on that date. This rule shall also apply to each stage of a Development Plan approved in stages. The applicant may request an extension of time in writing, and the approving authority may extend the time limit where appropriate. Such extension may be considered at the time of Development Plan approval.
- (7) Effect of Approval of Development Plan. No permit of any kind shall be issued for any purpose within a Planned Unit Development except in accordance with the approved Development Plan, and after acceptance by the County of all required guarantees for improvements pursuant to Section 811-5(C)(6).

811-5. Specific Content of Plans

Planned Unit Development plans and supporting data shall include all documentation listed in this Section of the Zoning Ordinance unless certain documentation is deemed superfluous by the planning staff due to the specific circumstances of the particular request.

(A) Pre-Design Conference Requirements

- (1) A written letter of intent from the applicant describing the applicant's intention for developing the site.

- (2) A scaled drawing of the site, in simple sketch form, showing the proposed location and extent of the land uses, major streets, and the approximate location of any existing easements, natural features, and topographic or geologic constraints.

(B) Outline Plan Requirements

- (1) A drawing of the Planned Unit Development shall be prepared at a scale not less 1"=50', or as considered appropriated by the planning staff, and shall show in concept major circulation; generalized location and dimensions of buildings, structures, and parking areas; open space areas, recreation facilities, and other details to indicate the character of the proposed development. The submission shall include:
 - (a) A site location map.
 - (b) The name of the development, with the words "Outline Plan".
 - (c) Boundary lines and acreage of each land use component.
 - (d) Existing easements, including location, width and purpose.
 - (e) Existing land use on abutting properties.
 - (f) Other conditions on adjoining land: topography (at 2-foot contours) including any embankments or retaining walls; use and location of major buildings, railroads, power lines, towers and other influences; name of any adjoining subdivision plat.
 - (g) Existing streets on and adjacent to the tract, including street name, right-of-way width, walks, curbs, gutters, and culverts.
 - (h) Proposed public improvements: streets and other major improvements planned by the public for future construction on or adjacent to the tract.
 - (i) Existing utilities on the tract.
 - (j) Any land on the tract within the 100-year floodplain.
 - (k) Other conditions on the tract, including water courses, wetlands, sinkholes, wooded areas, isolated trees 6 inches or more in diameter, existing structures and other significant features.
 - (l) Existing vegetation to be preserved and the locations, nature, and purpose of proposed landscaping.
 - (m) Map data such as north point, scale and date of preparation.
- (3) Miscellaneous: the Planning Staff shall inform the applicant of any additional documents or data requirements after the pre-application conference.

- (4)** Written Statement of Character of the Planned Unit Development: an explanation of the character of the Planned Unit Development and the reasons why it has been planned to take advantage of the flexibility of these regulations. The written statement shall include:
- (a)** A specific explanation of how the proposed Planned Unit Development meets the objectives of all adopted land use policies which affect the land in question.
 - (b)** Ownership: a statement of present and proposed ownership of all land within the project including the beneficial owners of a land trust.
 - (c)** Development scheduling indicating:
 - (1)** Stages in which the project will be built, including the area, density, use, public facilities, and open space to be developed with each stage. Each stage shall be described and mapped.
 - (2)** Projected dates for beginning and completion of each stage.
 - (d)** Proposed Uses:
 - (1)** Residential Uses: gross area, architectural concepts (narrative, sketch, or representative photo), number of units, bedroom breakdown, and proposed occupancy limits for each residential component;
 - (2)** Nonresidential Uses: specific nonresidential uses, including gross areas, architectural concepts (narrative, sketch, or representative photo), and building heights.
 - (e)** Facilities Plan: preliminary concepts and feasibility reports for:
 - (1)** Roads
 - (2)** Sidewalks
 - (3)** Sanitary sewers
 - (4)** Stormwater management
 - (5)** Water supply system
 - (6)** Street lighting
 - (7)** Public utilities
- (5)** Traffic Analysis: if requested by the planning staff or the Plan Commission, a study of the impact caused by the Planned Unit Development and any measures proposed to accommodate that impact.
- (6)** Neighborhood Meeting Report: the petitioner shall invite any neighborhood association on record with the City of Bloomington, Town of Ellettsville, or County within a 500-foot radius of the boundaries of the development to meet to discuss the proposal. The petitioner or the association shall submit

to staff a letter summarizing the results of the meeting.

(C) Development Plan Requirements. The application for Development Plan approval shall include, but not be limited to, the following documents:

- (1)** Such additional information as may have been required by the Outline Plan approval.
- (2)** An accurate map exhibit of the entire phase for which Development Plan approval is being requested, showing the following:
 - (a)** Precise location of all buildings to be constructed, and a designation of the specific use or range of uses for each building. Single family residential development on individual lots need not show precise locations of buildings on each lot, but plans shall show setback and other bulk constraints.
 - (b)** Design and precise location of all streets, drives, and parking areas, including construction details, centerline elevations, pavement type, curbs, gutters, and culverts.
 - (c)** Location of all utility lines and easements.
 - (d)** A final detailed landscape plan, in conformance with Chapter 830.
 - (e)** Tabulation on each separate subdivided use area, including land area, number of buildings, number of dwelling units per acre, type of unit, bedroom breakdown, and limits on occupancy.
- (3)** If lands to be subdivided are included in the Planned Unit Development, a subdivision plat meeting the requirements of a preliminary plat, as modified by the Outline Plan approval, is required where platting is to be done concurrent with the Development Plan approval.
- (4)** Projected construction schedule.
- (5)** Agreements and covenants which govern the use, maintenance, and continued protection of the Planned Unit Development and its common spaces, shared facilities, and private roads.
- (6)** Guarantee of Performance for Completion of Improvements: a bond or other guarantee acceptable to the County shall be provided for all required improvements and shall be executed at time of permit application or platting, whichever comes first. Improvements that must be guaranteed include facilities which shall become public, and may include other facilities or improvements as may be specified in the Outline or Development Plan approval. If the project is to be built in phases, the guarantee shall be posted prior to the commencement of work on each phase. The guarantee shall specify the time for completion of improvements, and shall be in an amount of 125 percent of the estimated cost of the improvements.

811-6. Review Considerations

(A) In their consideration of a Planned Unit Development Outline Plan, the planning staff in its report to the Plan Commission, the Plan Commission in its recommendation, and the Board of Commissioners in its decision, shall consider as many of the following as may be relevant to the specific proposal:

- (1) The extent to which the Planned Unit Development meets the purposes of the Zoning Ordinance, the Comprehensive Plan, and any other adopted planning objectives of the County.
- (2) The extent to which the proposed plan meets the requirements, standards, and stated purpose of the Planned Unit Development regulations.
- (3) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons, which such departures are or are not deemed to be in the public interest.
- (4) The proposal will not be injurious to the public health, safety, and general welfare.
- (5) The physical design of the Planned Unit Development and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated permanent open space, and furthers the amenities of light and air, recreation and visual enjoyment.
- (6) The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood, and whether the proposed plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.
- (7) The desirability of the proposed plan to the County's physical development, tax base and economic well-being.
- (8) The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.
- (9) The proposal preserves significant ecological, natural, historical, and architectural resources to the extent possible.

811-7. Changes in the Planned Unit Development

(A) Changes Requiring New Outline Plan Approval. Changes which alter the concept or intent of the Planned Unit Development including but not limited to:

- (1) Significant increases in density;
- (2) Significant changes in the proportion or allocation of land uses;
- (3) Changes in the list of approved uses;
- (4) Changes in the locations of uses;

- (5) Changes in functional uses of open space, where such change constitutes an intensification of use of the open space; and/or
 - (6) Changes in the final governing agreements where such changes conflict with the Outline Plan approval.
- (B) Changes Requiring New Development Plan Approval. These changes shall include the following:
- (1) Changes in lot arrangement, or addition of buildable lots which do not change approved density of the development;
 - (2) Changes in site design requirements, such as location of required landscaping, signage, building height, cube and/or footprint, or other such requirements of this ordinance;
 - (3) Changes to the internal street system or off-street parking areas;
 - (4) Changes in drainage management structures;
 - (5) Changes in access to the development site, where such change amounts to an intensification in the traffic patterns of roadways of classification higher than local; and/or
 - (6) All other changes not expressly addressed under Section (A) shall require new Development Plan approval.

[end of chapter]