

6.1 Planned Unit Development District

A. Intent

The Planned Unit Development (PUD) *District* is designed to: encourage creativity and innovation in the design of developments; provide for more efficient use of land including the reduction of land area disturbed for utility lines and motor vehicle *Access*; permit special consideration of property with outstanding natural or topographical features; facilitate use of the most appropriate construction techniques in the development of land; and, to provide for any individual land use not otherwise specified elsewhere in this Ordinance. The PUD *District* provides flexibility in land use regulations by allowing for the consolidation of the *Subdivision* and Zone Map Change procedures as set forth below. The PUD *District* encourages imaginative uses of open space, promotes high standards in design and construction, and furthers the purposes of the *Comprehensive Plan*.

The PUD *District* is not intended for the development of residential *Subdivisions* or other developments which are provided for as a matter of right within any individual *District* of this Ordinance.

B. Permitted Uses and Development Requirements

1. *Permitted Uses.*

Primary Uses in the PUD *District* shall be any use or range of uses specified in the PUD *District* ordinance establishing such *District* and shall be the same as those specified in the petition for Zone Map Change, either in text form or as noted in the Preliminary Plan filed with the petition for Zone Map Change. *Primary Uses*, by way of example, may include any residential, commercial or industrial land use, or any individual land use or combination of land uses deemed appropriate for the real estate.

Accessory Uses, Home Occupations or *Temporary Uses*, unless otherwise specified in the PUD *District* ordinance and the petition for Zone Map Change, shall be permitted in a manner customarily associated with the Primary Use specified in the PUD District ordinance.

2. *Development Requirements.*

Development Requirements applicable to a PUD shall be those *Development Standards* and other requirements specified in the PUD District ordinance establishing such *District* and shall be the same as those specified in the petition for Zone Map Change, either in text form or as noted on the Preliminary Plan filed with the petition for Zone Map Change. Every petition for Zone Map Change to the PUD *District* shall specify *Development Standards* applicable to each *Permitted Use* in the development and, at a minimum, shall adopt or include a variation of each

Development Standard that is applicable to each such use in a *District* in which each such use is listed as a *Primary Use*. In any case in which an applicable *Development Requirement* or *Development Standard* has not been specified in the petition for Zone Map Change, the applicable *Development Requirement* or *Development Standard* shall be that which is specified in the *District* which lists such use as a *Primary Use* and which imposes the highest standard for site development (i.e., *Minimum Yards*, *Minimum Bufferyards*, landscaping, lighting, architectural and site design requirements, etc.). If the petitioner does not want an otherwise applicable *Development Requirement* or *Development Standard* for any *Permitted Use* in the development to be applicable, then the petition for Zone Map Change shall contain a statement to such effect.

C. Procedure for Approval of a Planned Unit Development

1. Overview

The complete review and approval process for a PUD consists of three (3) elements:

- Concept Plan Design Review;
- Zone Map Change, including a Preliminary Plan; and,
- Secondary Review of a Final Detailed Plan.

To facilitate the use of this PUD District, after completion of the Concept Plan Review, a petitioner may elect to proceed with the Zone Map Change, including a Preliminary Plan, approval of a Final Detailed Plan, and Primary Plat approval separately or may elect to combine any or all of those elements for joint approval. If a petitioner elects to combine any or all of those elements, all elements elected to be combined shall be docketed before the Plan Commission for a joint hearing.

If filed separately, the procedure for filing for approval of a Zone Map Change including a Preliminary Plan shall be the same as that required for any other petition for Zone Map Change before the *Plan Commission*, except as otherwise provided for in this Article. The procedure for filing for approval of a Final Detailed Plan is set forth in Article 6., D.

2. Filing for Concept Plan Review

The petitioner shall submit a Concept Plan consisting of: (i) a written description of the proposed preliminary PUD; and, (ii) a *Sketch Plan* for the proposed development, for review by the *Staff* prior to filing a petition for Zone Map Change to the PUD *District*.

Staff shall review the proposed Concept Plan taking into consideration information regarding the terrain of the site and any unique natural features

of the site. In doing so, *Staff's* review may include, but not be limited to, the following:

- a. Protection of unique topographical features on the site, including, but not limited to, slopes, streams and natural water features;
- b. Protection and preservation of wooded areas, individual trees of significant size, wetlands, or other environmentally sensitive features;
- c. Development of common open space and recreational areas (passive or active) accessible to the residents or users of the PUD by way of sidewalks, footpaths or combined walkways/bikeways;
- d. A more efficient use of the land including the reduction of land area disturbed for utility lines and motor vehicle *Access*;
- e. Creation of innovative residential and business environments;
- f. Minimize the alteration of the natural site features through the design and situation of individual *Lots, Streets* and *Buildings*;
- g. Diversity and originality in *Lot* layout;
- h. Utilization of individual *Building* designs which achieve an enhanced relationship between the development and the land; and,
- i. Relationship to surrounding properties.

The *Director* shall notify the petitioner of any *Staff* comments related to the proposed Concept Plan within fifteen (15) days of the submittal.

Petitioner may modify the proposed Concept Plan and file a petition for Zone Map Change, including a Preliminary Plan, after the earlier of:
(i) receipt of comments from *Staff*; or, (ii) the expiration of the fifteen (15) day period referred to above.

Notwithstanding anything contained in this Ordinance to the contrary, neither the *Staff's* review of the proposed Concept Plan submitted for review nor *Staff's* comments to the petitioner relating thereto shall be considered a denial, approval or decision concerning the proposed Concept Plan.

3. Filing for Zone Map Change, Including a Preliminary Plan, with the *Plan Commission*
 - a. Filing Deadline – All petitions for Zone Map Change, including a Preliminary Plan, shall be filed at least forty-five (45) days prior to the initial public hearing at which they are to be considered by the *Plan Commission*.

b. Petition – After completion of the Concept Plan Review, an application for Zone Map Change to the PUD *District*, which includes a Preliminary Plan, may be filed with the *Plan Commission*. All petitions for Zone Map Change to the PUD *District* shall contain a Preliminary Plan that satisfies the requirements of set forth below, and shall specify in either general terms or detailed terms the *Development Requirements* that will apply to the real property that is included in the petition.

c. Detailed Terms – For a Preliminary Plan to be deemed to have expressed *Development Requirements* in detailed terms, said Preliminary Plan shall include site plans, *Building* elevations, landscape plans, lighting plans, *Sign* plans, or any other plan required by this Ordinance in sufficient detail to fulfill the requirements for the issuance of an *Improvement Location Permit*.

If the Preliminary Plan expresses *Development Requirements* in detailed terms, the Petitioner may also request approval of a Final Detailed Plan in connection with the approval of the Zone Map Change, provided that any such approval shall be conditioned upon the Town Council adopting the Zone Map Change to the PUD *District*. The requirements for approval of a Final Detailed Plan are set forth in Article 6., D., below.

d. General Terms – All Preliminary Plans or submittals which do not comply with the requirements above for detailed terms shall be deemed to have expressed the *Development Requirements* that apply to the proposed PUD in general terms only and shall be required to file for and obtain approval of a Final Detailed Plan from the *Plan Commission*, as set forth below, prior to the issuance of an *Improvement Location Permit*.

e. Preliminary Plan – A Preliminary Plan filed with the *Plan Commission* shall satisfy the following requirements:

A Preliminary Plan shall include:

- (1) A *Sketch Plan* which depicts the location of proposed land uses and maximum land use densities (i.e., *Lot Area*, *Floor Area*, ratio of *Floor Area* to *Lot Area*, identification of areas in which *Buildings* may be located, open space, *Setback Lines*, distance between *Buildings*, height of *Structures*, *Signs*, *Parking Areas*, *Loading Areas*, and landscaping);
- (2) Proposed layout of *Streets*, open space and other basic elements of the development;

- (3) Proposals for handling traffic, parking, sewage disposal, drainage, tree preservation and removal, and other pertinent development features;
- (4) The current zoning of the area proposed to be developed as well as the current zoning of the adjacent land;
- (5) A proposed breakdown of sections to be contained in the overall development along with a statement as to the order and timing of development;
- (6) All *Public* and *Private Streets* and pedestrian ways within two-hundred (200) feet of the site;
- (7) North arrow, written and graphic scale, general location map; and,
- (8) Percentage of site devoted to open space.

The Preliminary Plan, which may be a *Sketch Plan*, shall be drawn to a scale of not more than 1"=100'.

- f. *Primary Plat* - If desired, petitioner may also file for *Primary Plat* approval before the *Plan Commission* in the manner set forth in the Plainfield Subdivision Control Ordinance, provided that any such approval shall be conditioned upon the Town Council adopting the Zone Map Change to the PUD *District*. Said *Primary Plat* approval shall be set for a joint hearing before the *Plan Commission* with the petition for Zone Map Change, including a Preliminary Plan, and, notwithstanding anything in the Subdivision Control Ordinance to the contrary, shall comply with the forty-five (45) filing deadline set forth above.

4. Determination by the *Plan Commission*.

In its determination of the appropriateness of the proposed PUD and whether to recommend approval of the Zone Map Change, including a Preliminary Plan, to the Town Council, the *Plan Commission* shall be guided by the extent to which the proposal: (a) accomplishes the intent set forth in Article 6., A., above; and, (b) provides for the protection or provision of the site features and amenities outlined in Article 6., C., 2, above.

5. Commitments, Conditions or Surety.
 - a. Commitments – The *Plan Commission* may require or permit the owner of a parcel of property to make written commitments concerning the use or development of the subject property in connection with the recommendation of approval of a PUD or a Final Detailed Plan Secondary Approval pursuant to Article 4.15, of this Ordinance.
 - b. Conditions – Conditions may be imposed on the approval of a PUD *District* which are reasonably necessary to assure compliance with the *Permitted Use, Development Requirements, Development Standards* and other minimum requirements of the PUD District Ordinance.
 - c. Surety – Bonds or other written assurance may be required which are reasonably necessary to guarantee the timely completion of a public *Improvement* required by the proposed by the PUD District Ordinance. Such bond or other written assurance shall be of a form and substance approved by the *Town Engineer*.

D. Secondary Review – Final Detailed Plan

Secondary Review Required – Secondary Review of a Final Detailed Plan is required in the PUD *District* as a prerequisite to the issuance of an *Improvement Location Permit* for development of any real property in such *District*. The *Plan Commission* shall approve or disapprove each Detailed Final Plan submitted to it for review pursuant to this Article.

Single Family Dwelling and Two Family Dwelling Exception – The provisions of this Article regarding Final Detailed Plans for *Single Family Dwelling* and *Two Family Dwelling* portions of a PUD shall be deemed to have been fulfilled through the review and approval of a *Primary Plat* and *Secondary Plat* in conformance with the procedures set forth in the Town of Plainfield Subdivision Control Ordinance and compliance with the terms of any *Commitments*, conditions or surety required by the *Plan Commission*.

Time Limit for Approval of a Final Detailed Plan – If a Final Detailed Plan is not approved by the *Plan Commission* in a joint hearing with the petition for Zone Map Change, petitioner shall have a period of up to three (3) years from the date of the approval of the petition for Zone Map Change in which to file for approval of a Final Detailed Plan, in total or in phases, for approval by the *Plan Commission*. The *Plan Commission* shall review the Final Detailed Plan for consistency with the Preliminary Plan approved by the Town Council in connection with the petition for Zone Map Change. If a request for approval of a Final Detailed Plan is filed for in phases, each subsequent phase shall be filed for within three (3) years of the approval of the prior phase.

Public Hearing – A determination by the *Plan Commission* on whether or not to approve a Final Detailed Plan shall be made at a public hearing of the *Plan Commission*. The nature and type of application, and any other relevant matters for the review and approval of a Final Detailed Plan shall be in accordance with the procedures set forth in Article 5.8, A. and as specified in the Rules of the *Plan Commission* for a *Development Plan* petition submitted for Architectural and Site Design Review. Fees shall be in accordance with the schedule adopted pursuant to Article 10.2, C., 20. of this Ordinance.

Expiration of Preliminary Plan – In the event that approval of a Final Detailed Plan is not obtained for all or a portion of the PUD within the time frames outlined above, the Preliminary Plan shall be deemed to have expired for that portion of the PUD that has not received approval of a Final Detailed Plan, except for the location and density of proposed land uses depicted on such Preliminary Plan. Once a Preliminary Plan has expired for any portion of the PUD, no development shall occur within the expired portions of the PUD until: (a) a new Preliminary Plan is approved by the *Plan Commission* at a public hearing, notice of which shall be given in the same manner as for a petition for Zone Map Change; and, (b) approval of a Final Detailed Plan as required by this Article has been obtained.

Expiration of Final Detailed Plan – A Final Detailed Plan shall expire upon the later of: (i) three (3) years after the date of approval by the *Plan Commission*; or, (ii) the expiration of a *Building Permit* issued for the use or development of the property. Once a Final Detailed Plan has expired for any portion of the PUD, no development shall occur within the expired portions of the PUD until a new Final Detailed Plan as required by this Article has been approved by the *Plan Commission*.

Final Detailed Plan Requirements – Before the *Plan Commission* approves a Final Detailed Plan, the petitioner must submit a Final Detailed Plan consisting of the following:

1. Area map insert showing the general location of the proposed development referenced to major *Streets* and section lines.
2. Location map showing the names of all metes and bounds property owners, boundary lines of recorded *Subdivisions*, zoning and land uses of adjacent properties.
3. Proposed name of the PUD.
4. Legal description of the real estate.
5. Boundary lines of the proposed PUD.
6. Location and name of all existing and proposed public or private roads, *Access* easements and *Rights-of-Way* within two-hundred (200) feet of the real estate.

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7. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable.
8. Layout, number and dimension of all *Lots* and *Out Lots* with zoning *Setback Lines*.
9. Location, delineation and elevation of all floodway and floodway fringe areas within the boundaries of the PUD.
10. Drainage Plan for all watersheds in and around the proposed PUD, indicating the general drainage pattern of *Lots*, the location of all drainage channels and sub-surface drainage *Structures*, the proposed method of disposing of all stormwater runoff including data to show that the proposed outlet(s) are adequate to accommodate the drainage requirements of the PUD, and all existing and proposed detention facilities.
11. An erosion control plan for all areas of site disturbance.
12. Topographic contour every five (5) feet superimposed upon the proposed Final Detailed Plan.
13. Proposed elevation of all *Building* pads within the proposed development.
14. All *Improvements* to *Street* system on-site and off-site.
15. Sidewalk plan or alternate plan for pedestrian ways.
16. Plans and specifications for all infrastructure *Improvements* required or proposed in the PUD.
17. Areas reserved for park, conservation, wetland, common area, lake or other similar uses.
18. Proposed covenants, conditions and restrictions.
19. The character and approximate density of all proposed uses and *Structures* in the plan area.
20. Any other information requested in writing by the *Plan Commission* or *Staff*.

Findings – The *Plan Commission* may approve a Final Detailed Plan only upon a finding that: (a) the Final Detailed Plan satisfies the *Development Requirements* and *Development Standards* specified in the PUD *District* ordinance establishing such *District*; (b) the Final Detailed Plan accomplishes the intent set forth in this Article VI; and, (c) the Final Detailed Plan provides for the protection or provision of the site features and amenities outlined in Article 6., C., 2., above. The *Plan Commission* shall specify any plan documentation or supporting information in addition to that required by this Article that must be supplied before an *Improvement Location Permit* may be issued for the development of any real estate located in the PUD *District*. The *Plan Commission* shall make written findings concerning each decision to approve or disapprove a Final Detailed Plan, and each such written finding shall be signed by the President of the *Plan Commission*.

Plan Commission Seal – Said Final Detailed Plan, upon approval, shall be sealed with the *Plan Commission* Seal and retained in the office of the *Plan Commission* to be used in its continuing administration of the PUD.

E. Modification of Preliminary Plan

Minor modifications to an approved PUD *District* ordinance which do not involve an increase in intensity of land uses or the designation of additional land uses may be authorized by the *Director* without a public hearing in its continuing administration of the PUD if, in the determination of the *Director*, the requested modifications do not adversely impact the purpose or intent of the overall development.

If the *Director* determines that the proposed modification is of such a nature as to adversely impact the purpose or intent of the overall development, or if the proposed modification includes an increase in intensity of any land use or if the proposed modification includes the designation of an additional land use(s), petitioner shall be required to file a new petition for Zone Map Change.

Any decision of the *Director* under this Article 6., E., may be appealed by the petitioner to the *Plan Commission* within thirty (30) days of being notified of such determination.

The *Plan Commission* is delegated the authority to establish rules governing the nature of proceedings and notice required to make a modification under this Article.

F. Secondary Plat Approval

Secondary Plat Approval for any development pursuant to this PUD Ordinance shall be issued in a manner consistent with that for any other *Subdivision* under the jurisdiction of the *Plan Commission* in compliance with the procedures set forth in the Plainfield Subdivision Control Ordinance and with any additional requirements or commitments entered into in connection with the approval of the Final Detailed Plan pursuant to this PUD Ordinance.

G. Maintenance of Common Open Space

In those PUD's in which common areas or recreation areas are provided for the use and enjoyment of residents or users of the PUD, the petitioner shall file documentary assurances with the *Plan Commission* that the permanent dedication and continuous maintenance of open space shall be made in accordance with the Preliminary Plan and Final Detailed Plan approved by the *Plan Commission*, and that the common areas and recreation areas shall be made available to the residents and users of the overall PUD at a reasonable and non-discriminatory rate of charge, prior to obtaining *Secondary Plat* approval. Such documentary assurances shall be incorporated into the *Secondary Plat* that is recorded in the Office of the Hendricks County Recorder or otherwise provided for through legally binding perpetual agreements as approved by the *Plan Commission*. Such open space shall perpetually run with the PUD and shall not be developed or separated from the PUD at a later date (unless no development of any portion of the PUD which is benefited by the common areas or recreation areas has occurred and the entire area subject to the PUD is presented for Zone Map Change).

H. Extensions

Extensions of time, in six (6) month increments not to exceed a total of two (2) years, for obtaining approval of a Final Detailed Plan may be granted by the *Director* for good cause shown. In the event that the *Director* disallows a requested extension, the petitioner may appeal said determination to the *Plan Commission* within thirty (30) days of being notified of such determination.