

**ARTICLE XII
PLANNED UNIT DEVELOPMENTS**

1200 General

A Planned Unit Development (PUD) project which may depart from the literal conformance with the regulations for individual lot development may be permitted in those zones where it is designated as a special use under the zone regulations. All Planned Unit Development projects shall be subject to the following regulations.

1205 Purpose of Planned Unit Development Projects

In general the purpose of Planned Unit Development's (PUD) are as follows:

- a. To encourage a more creative approach in land and building site planning.
- b. To encourage an efficient, aesthetic and desirable use of open space
- c. To encourage variety in physical development pattern
- d. To achieve flexibility and incentives for development which will produce a wider range of choice in satisfying the changing needs of the area.
- e. To permit special consideration of property with unique features, including, but limited to, historical significance, unusual topography, landscape amenities, and size and shape.
- f. To convert land so poorly developed as to be a public liability.
- g. To simplify processing of development proposals for developers and the Planning Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

1210 Procedure

When a Planned Unit Development project is proposed, the procedure and standards for major subdivision approval as set forth in the Shelby County Subdivision Regulations shall be followed in their entirety. A preliminary plat and final plat, both approved by the Planning Commission shall be required for every Planned Unit Development project. The Planning Commission may establish a schedule of reasonable fees to be charged for plat review. The project shall be developed according to the approved final plat. Building permits and certificates of occupancy shall be required for each building.

- a. Plats

A preliminary plat and final plat, both approved by the Planning Commission, shall be required for every Planned Unit Development project. In addition, the Planning Commission shall hold a public hearing on the preliminary plat of the proposed PUD to aid them in deciding the merits of the proposed project. (Nothing herein should be construed to mean that the land owner has the inherent right to develop a PUD. The Planning Commission has the power to decide whether or not to allow the PUD based on their experience, knowledge, public hearing and the standards set forth herein.) Accompanying all preliminary plats shall be calculations for overall density, parking requirements and other material the Planning Commission may reasonably require. Furthermore, the Planning Commission may establish a schedule of reasonable fees to be charged for plat review.

If the Planning Commission approves the preliminary plat the developer may proceed with activities leading to final plat approval providing that the project shall be developed in conformance with the approved preliminary plat.

b. Permits

Zoning permits shall be required for each building in accordance with Section 310 through 330 of these Regulations.

c. Expiration of Approval

Final approval of a PUD shall expire if road and utility improvements on the site have not been completed within one (1) year of original approval and/or if the project is abandoned for more than twenty-four (24) consecutive months. An extension of time shall be requested by the property owner and /or the owner's legal counsel, by letter submitted to the Administrator and the request placed on the next Commission docket. (Abandonment shall be deemed to have occurred when the above mentioned improvements have not been made pursuant to the approved PUD Plat.)

d. Recording

All approved PUD plats shall be recorded in the County Clerk's Office

1220 Uses

The uses in a Planned Unit Development project shall conform with the permitted uses of the zone in which it is located. If a Planned Unit Development project is proposed which includes mixed uses, or other uses that are not permitted in the zone where it is proposed, or uses not permitted in any zone, the project may be

permitted only after an overlay to the Zoning Map is approved by the Planning Commission. Such an overlay shall designate the proposed location as a Planned Unit Development overlay zone. The overlay zone may be permitted only after the conditional approval of the preliminary plat and shall be valid only for that project as approved.

1230 Standards

In any Planned Unit Development project, although it is permissible to depart from literal conformance with the individual-lot dimension and area regulations, there shall be no diminution of the total equivalent lot area, parking area, and loading and unloading area requirements that would be necessary for the equivalent amount of individual-lot development. The Planning Commission may allow reductions in these requirements however, upon proof by the developer that efficiencies of large-scale development may permit such reductions without destroying the intent of these Regulations.

1240 Special Conditions

The Planning Commission shall attach reasonable special conditions to insure that there shall not be a departure from the intent of these Regulations. The Planned Unit Development project shall conform with all such conditions. Because a Planned Unit Development project is inherently more complex than individual-lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects cannot be inflexible.

The following standards define the typical special conditions the Planning Commission shall attach in addition to the standards for lot, parking, and loading and unloading area defined in Section 1230 above. The Planning Commission may also attach any other reasonable special conditions.

- a. It is desirable that access points to all arterial streets shall be located no more frequently than once every eighth to a quarter of a mile. The Planning Commission may approve the platting of temporary access points.
- b. Wherever there is an abrupt change in uses - i.e., residential to commercial - it is desirable that a buffer area of open space or protective planting be placed between them which will protect each use from the undesirable effects of the other.
- c. Parking and other public areas used at night shall be adequately lighted, and private areas shall be adequately protected from such lighting and any other lighting from public areas. Public streets may also require protection from excessive glare of lighted areas.

- d. It is desirable that all Planned Unit Development projects be constructed promptly after approval of the final plat. Construction shall be initiated within one (1) year after approval of the final plat, and shall be completed in a reasonable length of time. Failure to initiate construction within one (1) year shall void the permit.